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*John Neilson & Co
Dubee with Mr. Robert F. Maitland
Compliments
London, 1st April 1838*

REMARKS

ON THE PROCEEDINGS

AS TO

CANADA,

IN THE

PRESENT SESSION OF PARLIAMENT:

BY

ONE OF THE COMMISSIONERS.

10th APRIL, 1837.

by Sir Charles Grey -

LONDON:

JAMES RIDGWAY AND SONS, PICCADILLY.

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REMARKS,

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1. THE King's speech,* at the opening of the Session, called the attention of Parliament to the state of Lower Canada. The resolutions which, on the 6th of March, were brought before the House of Commons by Lord John Russell,† were sufficient for the occasion, and if an Act of Parliament were framed upon them there would be a ground-work on which all that is necessary for the government and welfare of the North American provinces might, gradually, be established. A suspension of those resolutions, or any faltering in them, is calculated to produce a great deal of embarrassment, the character and extent of which cannot readily be understood by those who have not been across the Atlantic; or who have not been obliged to give a long attention to the affairs of Canada.

2. On the 6th of March the debate on the resolutions was adjourned till the 8th, though not without its having been ascertained that there would be a very large majority to support them; and it was perceived, by some of those who take the part of the French Canadian Assembly, that so much of the resolutions as would pledge the

* See the Morning Newspapers of 1st. Feb. 1837.

† Morning Chronicle, 6th March, 1837.

King and his Ministers to some alteration of the legislative and executive Councils might be voted without detriment to their cause, if the passing of the eighth resolution, which provides for the payment of what is due to the public officers of the province, could be delayed until, by communications with Canada, the various passions and plans of the factions there might be brought to bear on the minds of the people at home, and on the proceedings of the Imperial Parliament. Colonel Thompson disclosed that he would purchase delay at a guinea a minute, if he knew whence the supplies might be obtained for his Fabian scheme of operations. Lord John Russell was, from illness, unable to attend the House of Commons on the evening of the 8th, and several of the other Ministers having gone away after the first divisions, there was at last only one member of the cabinet in the House. More than two hours had been occupied with repeated divisions, and, finally, upon a claim of Mr. Roebuck and Mr. Hume to have the evidence produced which was taken in 1834, by a close Committee of the Commons, the debate was adjourned for a week, when the first four, only, of the resolutions had been voted. The minority, if the relative strength of the parties is considered, had certainly the best of this affair, and took up an advantageous position. The sense of the House had been fully expressed: a large majority was in favour of the resolutions; the Ministers had the power of settling on that night the whole basis of the measures, as to Canada, which would have been required in this Session, and they were at last prevailed upon to halt before an unsubstantial obstacle. The evidence taken

before the Committee of 1834 had not been kept secret. It had even been published by the newspapers of Lower Canada, and, unless I am much mistaken, a knowledge of it is calculated only to increase the majority in favour of Lord John Russell's resolutions. But delay was to be, and was obtained, and from that moment it was plain that Ministers could not entirely recover the lost opportunity. No evening was found before the Easter holidays, on which the remaining resolutions could be debated. On one occasion they are adjourned to a night on which Mr. Roebuck has a fair reason for objecting to their being brought forward, inasmuch as he has given notice of another motion. On another night it is discovered that Mr. Robinson, the antagonist of Mr. Roebuck in Canadian affairs, would be placed in similar circumstances.* Lord John Russell gives notice of a motion that his resolutions shall have precedence of other business on the first Wednesday after Easter; and Mr. Charles Buller threatens that, by fictitious motions, which will have the effect of interrupting the business of the House, he will compel Lord John Russell to abandon his notice.† At this juncture, Lord Brougham informs the House of Lords that he has in reserve a petition from the House of Assembly of Lower Canada, but that his Lordship means to hold it over, until the renewal of the debate in the Commons: and that he hopes to hear no more of the eighth resolution, or that it will be so resisted in the Commons as never to be brought before the House of Lords. Mr. Charles Buller no longer wishes to decline the contest on the first

* Morning Chronicle, 21st March, 1837. † Ibid. 22nd March, 1837.

Wednesday after Easter, and that day is accordingly fixed for the next debate: but before the holidays are over it becomes doubtful whether there will not, again, be some postponement, and on the 6th of April the postponement is made to the 15th. In the mean time, however, Sir William Molesworth goes to Leeds, and in a speech to the electors, represents the measures of the Ministers as a fit object for the resistance of the whole people of England if they are persisted in, but does not renounce the hope that they may be abandoned.

3. Of the four resolutions already voted, the three first are mere recitals of indisputable matters of fact apparent in the papers laid before the House. The fourth resolution declares that it is not, at present, expedient to make the Upper Chamber of the Canadian Legislature an elected body, instead of its being appointed by the Crown; but that it is expedient to make such alterations as will obtain for it a larger share of public confidence. Here for the present the progress of the Ministers has been arrested: and when it is recollected that the British House of Lords, if no one else, was sure to have prevented, for the present, the fatal change of making the provincial legislative Council an elected body; that the words of the latter part of the fourth resolution are such as might be construed, by some other ministry, into a sanction for creating, by appointments in the name of the Crown, as decided a French Canadian majority in the Upper, as already exists in the Lower branch of the provincial Legislature; that this is nearly all that would be required to drive the British people in Canada to despair, and

that the debate of the 8th of March elicited from, at least, one member of the Government, an avowal of his inclination to make the Legislative Council an elected body,* it will be perceived that the advocates of the French Canadian Assembly have even gained ground by the passing of the four first resolutions, and that, whilst the House stops there, the British interests are in less favourable circumstances than they were at the commencement of the Session. But this is not all—The hereditary revenue of the Crown in Canada, if its lawful prerogatives are not entangled or frittered away, might be sufficient, if not for the immediate payment of arrears, yet for the maintenance of a civil government of the Province : and upon this ground the Ministers might have stood, if no measures at all as to Canada had been proposed in the House of Commons ; but, now that the eighth resolution has been brought forward, if it is not carried, the sense of the House of Commons of the United Kingdom will appear to be arrayed against the power of the Crown within the province.

4. I have confident hopes that, in spite of all opposition and delay, the interests of the North American provinces will ultimately be settled in a satisfactory manner and upon a sound basis. The more they are discussed, the more apparent will it become that, whilst it is desirable that they should enjoy the utmost liberty and the most

* Morning Chronicle of the 9th March. By a mistake, no doubt, of the reporters, Mr. Labouchere is made to say, also, that two of the Commissioners, of whom Sir Charles Grey is one, are evidently in favour of an elected Council. The writer of these pages is able to state with confidence that this is not the case.

American institutions which are compatible with the broad outline and principles of the British constitution, and especially with its peculiar form of monarchy, it is their own substantial interest, and that of the whole British Empire, that for an indefinite period they should continue to be dominions of the Crown of the United Kingdom. But manifold inconvenience and an expanding series of evil may arise from the suspension of Lord John Russell's resolutions, to which I am anxious to direct attention, not from a desire of imputing wrong motives, or of casting blame on any one, and least of all on the Ministers, but that the actual posture of affairs may be discerned, and that the course of Parliament may be determined accordingly. There are three parties in Lower Canada who will be variously, but immediately, affected by the appearance of irresolution. The least violent of the French Canadian politicians, and those who are the most tractable to the management of their priesthood, will represent that it is unnecessary for the British Parliament to go further than the fourth resolution. Construing it, as they may perhaps understand it, to mean that the concession of their demand, to have their Upper House elected, is merely deferred, and that, in the mean time, the substance of their desires may be accomplished by the creation of a batch of French Canadian Counsellors, they will affirm that the full performance of this promise is alone necessary to restore subordination and loyalty, and to obtain a vote of the money of which the eighth resolution goes to authorise the distribution by the governor. Even such expectations will be unfounded: the party, by whom they will be held out, are a minority in the Assembly, and would be utterly

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unable to realize them, even if the British Government could be drawn on to the ruinous concession of the terms which they would stipulate as conditions precedent; but such representations will not the less serve to embarrass his Majesty's Ministers, and to make them walk lamely through the Canada question for the remainder of the Session. If they could not press forward the whole of their resolutions on the 8th of March, how will they be able to do so when the French Canadian party in the House of Commons shall present to them the semblance of a promise to make without compulsion the appropriations of money which are required? At the same time, the more violent party in Canada, and that which rules the French Canadian Assembly, will hold out no such promises. From them you will hear only of tyranny and violated rights, and of the resistance of their oppressors by a free and spirited people. Their friends in England will make the most also of this form of reaction; and it is not impossible that the people at Leeds and elsewhere may have the phantom of another American War held up to them. A third party, comprizing the whole mercantile interests of the two Canadas, and of whom the confidence had been regained for Ministers by the announcement of Lord John Russell's resolutions, will become suspicious of insincerity, and will be disgusted; and before the end of the Session, their expressions of dissatisfaction, or their attempts to give an impulse to the progress of their affairs, may excuse the abandonment of resolutions of which the maintenance will have become impracticable, and the name a jest. If Ministers do not urge at once their way through the

difficulties which are gathering round this point of their plans: if they do not assert by some decided enactment the authority of the Imperial Legislature, the Government of the Province of Lower Canada will remain for another year in a state of distraction, faction will be encouraged, and sedition fostered into treason; Upper Canada and all the North American Provinces may be disturbed; and a question of empire, and of peace or war, may at length be raised out of this perverse quarrel. The British Government will have threatened without performing; will have hampered the constitutional powers of the Crown; and having declared a necessity to exist for an assertion of the imperial authority, will retire with the appearance of being unable or afraid to assert it.

5. If the measure, which is recommended by the eighth resolution, were such as Sir W. Molesworth has described it to the electors at Leeds, or as Mr. Leader, Mr. O'Connell, and Mr. Roebuck are said to have described it in the debates of the 6th and 8th of March, there would not be the slightest chance of its being carried through the present House of Commons, and Ministers would have been guilty of a blunder rather than a crime in bringing it forward. But the inapplicability of these descriptions, as they appear in the newspapers, is so obvious, that a few words will make it manifest. First, it is said that the case of Ireland is the same as that of Lower Canada, and that Ministers cannot refuse the claims of the Canadian House of Assembly without abandoning the principles on which they support the claims for a reform of the municipal corporations in Ireland. But

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Ireland differs from Lower Canada in this material respect : that it is an integral part of the United Kingdom : Lower Canada is a province : and Ministers, whatever may be thought of the policy or justice of their views, will not, by any man of clear understanding, be deemed guilty of an inconsistency in thinking that one part of the United Kingdom is entitled to have the same sort of corporations as another ; whilst they think, also, that a province cannot, whilst it remains a province, have either an equally independent and supreme legislature as that of the United Kingdom, nor "a sovereignty in money affairs," as one speaker expresses it, nor any sovereignty whatsoever. To make the case of Ireland more nearly parallel to that of Lower Canada, Mr. O'Connell ought to suppose the case of the Municipal Corporation Bill having passed, and that the Councils of the Corporations then take upon themselves to protest against various enactments of the Imperial Parliament, and to announce their determinations that, each, until it is soothed by the repeal of what offends it, will obstruct the ordinary government of the municipality, for the regulation of which it was called into existence. Secondly, it is affirmed that what is proposed to be done by the eighth resolution, is that which caused the revolt of the colonies which now form the United States. But the resistance of the United States was on the substantial ground, that they were about to be taxed without their consent and without representation : and their demands, at first, were limited to an exemption from such taxation. In the affairs of Lower Canada, there is no question as to the raising of any new

tax: the monies, to which the eighth resolution has reference, are already in the King's treasury: the source from which they have come is a permanent revenue, which is levied and recovered under an Act of the Imperial Parliament:* and whilst the public officers of the Province are unpaid, and many of them are reduced to distress, the money is lying useless and without profit, in the vaults of the Government House; and if there be not an interposition of the Imperial Parliament, may lie there for any length of time. It is not the province, or its legislature, which is opposed to the distribution of this money, but the majority of the House of Assembly alone; and this body does not stand as the New England colonies did, upon a claim that new taxes shall not be levied upon them without their assent, but has declared its determination, and for four years has persisted in that determination, to extort a concession of demands which involve the abandonment of the province to a party, and the destruction of the legal rights of many of its inhabitants: so that the Imperial Parliament could not yield to these urgent instances, without submitting to act in opposition to its own sense of justice, at the bidding of the provincial House of Assembly. Lastly, an attempt is made to represent the conduct of the Assembly as a mere example of the well-known, but rare incident in English history, of a refusal of supplies by the House of Commons, until a grievance is redressed by the Crown. But, not to repeat what has been already stated, that there is no question as to the grant of a supply, but only as to the application of monies already in the Treasury, which have issued from

* 3 and 4 W. IV., 59. XI.

an established and permanent revenue, it is not with the Crown that the contest of the Canadian House of Assembly lies, nor are they grievances that the Crown is capable of redressing of which the Assembly complains; so that in the attempt to assimilate the question to one between the House of Commons and the Crown, there is an oblivion of the fact, that in the one case the contest has been between two co-ordinate branches of one and the same Supreme Legislature; but in this case of Lower Canada, it is one branch of a subordinate and Provincial Legislature which insists upon dictating to the whole three branches of the supreme and Imperial Legislature its own will and pleasure. The grievance which is alleged is, that the Parliament of the United Kingdom has dared to make enactments respecting the province of Lower Canada; the right which is claimed is, that the Provincial Legislature shall not be a subordinate one; and that upon the peremptory demand of the House of Assembly of the province, the King, Lords, and Commons of the United Kingdom shall either themselves cancel divers of their own enactments, or declare the independent and plenary powers of the provincial House of Assembly to act without regard to them: in default of which, at the end of four years of determined resistance, and after repeated manifestoes of its intentions the Assembly has expressed its desire that it may no longer be imagined there is any mistake, and has proclaimed its immutable resolution to do that which will obstruct and, as far as the Assembly can effect it, will render impracticable the government of the province, by an everlasting refusal to pass the ordinary Bill for the appro-

priation of the established revenues, to the payment of a civil list, of which in former years, every item has been repeatedly sanctioned by the votes of both Houses of the Canadian Legislature. Other grounds have been taken in earlier stages of the dispute, but this is the principal and true position in which the French Canadian majority of the Assembly has at last deliberately chosen to make its stand; and the British Parliament has no choice but to say whether it has ever intended to abandon its power over the province: if it has not, whether a case has not been presented in which it is right to exercise it: and whether, at the point at which we have arrived, there can be any further delay or hesitation without a debasement of the imperial authority.

6. But, although the most deliberate reflection has satisfied me, that the grounds on which the Provincial House of Assembly has rested its refusal of the ordinary appropriations, and the declared desire of the Upper Chamber of the Provincial Legislature to have them made, are sufficient to justify the Imperial Legislature in taking the matter into its own hands, I do not affirm, that no other imaginable enactment than that which is recommended by the eighth resolution would suit the occasion. When, indeed, the House of Assembly first announced its intention of withholding the appropriations, the most cautious and the most constitutional course would have been to have endeavoured to reduce the civil list of Lower Canada to an establishment which might be supported out of the hereditary revenue of the Crown in the province; and, in that case, if the hereditary revenue had been insufficient, application might

have been made to Parliament to assist it, in various ways. Nor is there any reason to suppose that, even now, his Majesty's Ministers, if Parliament should give it a preference, would refuse to introduce, under the sanction of a Royal message, a Bill to authorize a sale by the Commissioners of Woods and Forests, of a portion of the Crown lands within the United Kingdom, and to enable his Majesty to apply the proceeds in the discharge of the arrears of the civil list in Lower Canada. No doubt, there are other methods also; and it is highly probable that the Earl of Ripon, and Lord Brougham, have concerted some measures which it is their Lordships' intention to propose; for both of those noblemen have expressed some dissatisfaction with the course which has been taken by ministers; and one of their Lordships was the Lord High Chancellor, and the other was his Majesty's principal Secretary of State for the Colonies, at the time when the House of Assembly first refused the appropriations, and for some time both before and afterwards. At the date of the Earl of Ripon's despatch of the 9th of April, 1832, if a reduction had been made in the civil establishment of Lower Canada, and an Act of Parliament had been obtained, declaratory of the right of the Courts of Justice of the Province to establish, with the sanction of the Privy Council at home, such fees as might be necessary for the ordinary functions of the Courts, and authorizing also the Justices of the Peace, in session, in the counties, or the Vestries of the parishes, to make and levy local assessments for the arrest and prosecution of felons, and for the general conservation of the peace, much of

the present difficulties might have been prevented. As nothing of this sort was done, and as both of the statesmen, whom I have named, must have foreseen the possibility of the Canadian Assembly's adhering to its resolutions, it is but fair to infer that both, even at that time, had agreed upon some other plan which would be an adequate resource in case of the Assembly pursuing the line of conduct in which, unhappily, it has persisted, and is likely to persist. It cannot now be long before the Noble Lords will impart their joint advice: and an imperfect anticipation of it would be an injustice. Of two things we may rest assured: first, that they who, in 1832, 1833 and 1834, thought it was unnecessary to advise His Majesty that the Civil List of Lower Canada should be reduced, will not think it just to the public officers, whose services were continued through that period, that they should remain unpaid; or that it is consistent with the dignity or honour of the Crown, that His Majesty should be left any longer without the means of paying them. Secondly, that neither Lord Ripon nor Lord Brougham will recommend to the House of Peers of the United Kingdom, that those means should be obtained for His Majesty, by a submission to the demands of the Canadian House of Assembly. Those who have been in the Province know that it would be useless to yield any without all: and both Houses of the British Parliament know that the six principal ones are; *First*, that an Act of Parliament should be passed, "to introduce the principle of popular election into the constitution of the Legislative Council;" *Secondly*, "the pure and simple repeal by the Parliament of the United Kingdom of

“ the Act called the Tenures Act;” *Thirdly*, “ the repeal
 “ of the Act constituting the Land Company;” *Fourthly*,
 “ that the Executive Council should be made directly re-
 “ sponsible to the House of Assembly;” *Fifthly*, “ that the
 “ King’s hereditary revenue should be placed under the
 “ control of the Assembly *before* the establishment of any
 “ Civil List;” *Sixthly*, “ that the whole of the desert tracts
 “ comprised within the lines which have been given as the
 “ boundaries of the Province should, by an Act of the
 “ Imperial Parliament, be placed under the exclusive
 “ control of the Provincial Legislature.”

7. I annex to these remarks three documents ; and
 the only comment I shall make upon them is to mark
 the passages, which appear to me to justify the account
 I have given of the Assembly’s ultimatum. If I should
 unwittingly have misrepresented it, for which I should
 be very sorry, I shall thus have supplied the means for
 an immediate correction of the error.

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I.

An Address presented by the House of Assembly of Lower Canada to the Governor-in-Chief, on the 3rd of October, 1836.

To his Excellency the Right Honourable Archibald Earl of Gosford, Baron Worlingham of Beccles, in the County of Suffolk, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Vice-Admiral of the same, and one of His Majesty's Most Honourable Privy Council, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's faithful and loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, respectfully approach your Excellency *for the purpose of further replying* to certain parts of the speech which it pleased your Excellency to deliver at the opening of the present session; also *to a despatch from His Majesty's Principal Secretary of State* for the Colonies, dated Downing-street, 7th June, 1836, which, with various documents, you were pleased to cause to be laid, according to promise, before us.

Referring to our Address to His Majesty on the state of the province, dated 26th February, 1836, we assure your Excellency, as we have already done on a recent occasion, that it contained the faithful expression of the views, opinions, and wants of this House, as well as of the people whom it represents. *We have not as yet been able to discover any misconceptions or any misunderstanding on our part* of a nature to change the views which we then entertained on the divers subjects treated therein, or suggest other means for their accomplishment. *We still believe it to be our duty,* as well as for the advantage of the people, *to persist in the same demands, in the same declarations, and particularly in the demand of an Elective Legislative Council.* Our opinion on the position of the country at the present epoch, as expressed in our answer to your Excellency, dated the 24th of this month, will show how ill justified we should have been in departing therefrom. We trust that His Majesty's Government will not, after mature deliberation, entertain any doubt as to the correctness of our statements and assertions, particularly of the necessity of changing, conformably to the prayers of this House and of the people, a branch of the legislature which has, with narrow and self-interested views, and moved by party spirit, interposed itself, of late more than ever, between the country and metropolitan state, and destroyed all our attempts to aid in the reparation of abuses, and by causing the result of our labours to reach the foot of the throne, to enable His Majesty's Government to confirm us

in the belief of the sincerity of its intentions and promises. We respectfully submit, that although the evils and grievances which oppress the country have not been caused by us, we have spared no pains to terminate the same : those efforts have all failed in that branch, and we are firmly convinced that all measures of a just and liberal nature will hereafter constantly fail therein. The remedy is within the reach of His Majesty's Government. We shall see it applied with the most lively satisfaction ; and however sincere may be His Majesty's desire to witness the entire removal of the grievances of the country, we can furnish in proof of a desire equally sincere on our part, the manner in which we promised, in our Address above mentioned, to welcome the reforms which we still expect, and the spirit of liberality and concession which accompanied that expression of our hopes.

There is, in the more recent dispositions of the Government in reference to the full and unrestrained exercise of the rights of this Legislature, a point which bears essentially on the character of the present Legislative Council, which we pray His Majesty not to lose sight of ; that is, that although in principle His Majesty's intention of leaving to the Provincial Legislature the repeal of certain injurious laws, and the adoption of new provisions favourable to the institutions and to the liberties of this province, in whatever concerns its particular interests, be constitutional in its nature, and a wise acknowledgment even of the principle of our position, the effect thereof has been and will be practically impossible in consequence of the anomaly which the existence of the said Legislative Council has created in the Legislature of this province. And we express our constant and unalterable conviction, guided by the principles of the constitution itself and a long and sorrowful experience, that this state of violent opposition cannot be changed until *the principle of popular election shall be introduced into the constitution of the said Council*, so as to have a second distinct branch, agreeably to what the existing state of society and the deliberate voice of public opinion require, and which shall enjoy at once a due share of public confidence and a full exercise of an enlightened and independent judgment ; a result so much to be desired, that, in the said despatch, the Ministers of the Crown have found therein one of the essential principles of the Act of 1791. We therefore dare to flatter ourselves that the pretensions and errors of the past will be forgotten, and that this great question will be considered in its full extent, in its connexion as well with the principles as with the practice of the constitution, and not as regards peculiar reluctances or preconceived opinions, respecting which it has pleased His Majesty, in the said despatch, to remove our fears concerning the future.

What we have stated above relative to the operation in the province itself of a Legislature free to watch over its interests, induces us to hope that until there be an essential change in the Legislative Council, His Majesty, whilst desirous of adhering to his benevolent inclination of abstaining from every act which could be represented as an unnecessary intervention in the internal affairs of the province, and thereby even oppose himself to every legislative act on the part of the metropolitan

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state tending to destroy that large basis, would be pleased to take into his consideration *the pure and simple repeal by the Parliament of the United Kingdom of the Act commonly called the Tenures' Act, and of that passed in favour of the Land Company*, as not being opposed thereto, inasmuch as the Canadian Legislature never participated in the passing of these two Acts, *against which this House and the people have, from the commencement, universally protested, and as their opposition to the rights, laws, and institutions of this province, is now scarcely a subject of controversy.* We therefore persist in praying that until the Bill passed on several occasions by this House for the abrogation of the said Tenures' Act be favourably received in a Legislative Council disposed to give effect to the Royal intentions, His Majesty's Government would be pleased to assist in otherwise accomplishing the repeal demanded, which would enable us to re-establish order in the important question of lands and of proprietary law, and to accomplish, for the advantage and happiness of the inhabitants of the country, and of the other of His Majesty's subjects, the views expressed in our said Address.

It is for the same reasons that we persist in demanding likewise the repeal of the Act passed in favour of the Land Company, and of the privileges which that Act pretended to confirm. The considerations of public and private law which cause us to take a view of this subject different from that taken by His Majesty's Ministers in the said despatch, are too numerous and too palpable to be detailed at this moment. We shall pass over, also, in silence, the rights peculiar to the people of this province, and the circumstances, painful to us, under which that Act was passed and those privileges granted; and we shall abstain from pointing out the means at the disposal of the Government to settle this question with justice to all parties. We shall merely add, that every day convinces us the more that the principal tendency of that Company is to maintain that division of people against people, amongst the different classes of His Majesty's subjects, which has, in common with all the evils resulting therefrom, been fostered in times past, with too much success, by corrupt administrations.

Neither can we forbear from here pointing out what we conceive to be, independent of its constant connexion with the system of metropolitan ascendancy and colonial degradation, a grand error in the disposal of the public domain of this province. That is, that in granting the lands nominally under the tenure of free and common socage, which, based upon views of free and prosperous colonization, and with a due respect for the laws of the country, would, in fact, be a desirable tenure, the advantages thereof have, in reality, only been accorded to the original grantees, rendered absolute masters of immense extent of land, without any reserve having been made for the future rights and interests of the mass of actual settlers who would improve the soil, who, although His Majesty's free-born subjects, find themselves fettered in the extent of all those great concessions, by onerous and even servile tenures. It is, nevertheless, after this system has been tardily repudiated, that nearly a million of acres of the lands of the country have been improvidently, and without any greater control, granted to the said Com-

pany, with the further privilege of augmenting that quantity by unlimited acquisitions dangerous to the liberties of the people. Independent of this anomaly, and numerous other vices with which the said grant is tainted, the King's Ministers cannot be so unacquainted with the subject as to consider it a question merely of private law, or to believe that in any new country the disposal and settlement of an immense extent of the public lands can be withdrawn from the control of the Legislature, and abandoned to the unrestrained direction of individuals.

The presence in the province of certain pretended authorities, whose powers and attributes are not to be found either in the constitution or in any law, has so often been alleged by your Excellency and by the executive authorities in the metropolitan state as being of a nature to retard till a future period the restoration of order and the introduction of those improvements demanded by the people, that we cannot refrain from here making a few general observations which must have attracted the attention of every public man. We believe that this House is the legitimate and authorized organ of all classes of inhabitants in the country, and that its representations are the constitutional expressions of their wishes and of their wants. We believe that the impartial use we have made of the powers vested in us, for the protection and the happiness of all our fellow-subjects, ought to have secured to us due confidence, when we solemnly exercised those high privileges. It must, however, have been the result of an unjust distrust of this House and the people of this province, that His Majesty's Government has rejected our prayers to defer to the opinions of a few individuals, strangers to the country, the fate of which was thereby committed to men whose vague and subordinate mission could not be acknowledged by any independent authority recognised by the constitution, the spirit of which His Majesty is particularly desirous to maintain. Thus it is that a power acting without law and against law, could not form any other connexion but with those who entertained the same erroneous views, and who, long since the avowed enemies of this House and of the people, profit by the system of dishonest policy which has been, up to this moment, the bane of the country, and which has, nevertheless, been maintained by many acts and declarations of the Crown and of Parliament. We believe, therefore, that the restoration of order and of the mutual respect which those whose duty it is to maintain it owe to each other, is one of the measures the most conducive to promote the establishment of a government as responsible and as popular as that which His Majesty, in enumerating in the said despatch his dispositions on several important points, declares he is entirely disposed to admit. We must equally declare that any departure from those intentions, based upon inquiries emanating from a vitiated source, could not be sanctioned by any portion of the people sufficiently strong to lend its aid to a good government.

We shall pass over in silence the judicial independence and the establishment in the province of a high tribunal of public impeachments. It is too evident that the sole obstacle which now exists depends upon the solution of the question which we look upon as of the utmost importance.

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Neither shall we discuss the demand made by this House of the free exercise of its parliamentary and constitutional authority over the settlement and management of the lands of the province, and its control over all the branches of the Executive Government ; we shall also omit whatever appertains to the settlement of the financial question, whereby the executive authority would no longer impede the rightful control of this House over the public revenue. Our views and offers on these two subjects have, without doubt, been considered liberal by His Majesty's Government ; we are at least inclined so to believe, in consequence of the opinion expressed in the said despatch on this part of our Address ; moreover, if we understand, in its true meaning, that part of the said despatch which approves of our opinions on divers other points, without discussing any of them in particular, we should be induced to believe that His Majesty's Government, convinced of the justice of our demands on these points, and of their accordance with the good government of the country, has now acceded thereto without requiring any further useless delay, and without further investigation of rights and principles so clear and so essential.

If our hope of happy days for our country do not lead us to interpret too liberally general expressions, and if that hope be founded on something more than generous inferences, we cannot sufficiently express to your Excellency how much we rejoice at having, by our perseverance, contributed to the substitution of an unjust and partial system, by an order of things conformable to the rights and demands of the people. Nevertheless, we cannot but feel deep regret and profound grief, when we consider that these declarations, as well as those which preceded them on several occasions, have as yet availed nothing ; that the vices of our political institutions remain unaltered ; that the Provincial Legislature continues to be paralyzed in its functions, by the support given to the Legislative Council ; that no essential reform has been introduced as yet into the Administration, or for the removal of abuses ; that the executive and judicial authorities have preserved and manifested the same character of a faction combined against the liberties of the country, and its public property ; when we perceive that prejudicial inquiries in opposition to the above-mentioned declaration have not as yet been abandoned ; when, in fine, the Executive Government of the province, doubtless in obedience to the special order of the authority which appointed it, has had recourse, since the last session, to the practice of disposing of the public treasure of the province, without the consent of this House. Thus the state of the country having therefore remained the same, *we believe it to be our imperative duty to adhere unalterably to the contents of our said Address of the 26th February last, as well as to our previous declarations ; and to them do we adhere.*

In reference now to the demand which your Excellency has renewed under existing circumstances for a supply, relying on the salutary maxim, that the correction of abuses and the redress of grievances ought to precede the grant thereof, *we have been of opinion that there is nothing to authorize us to alter our resolution of the last session.*

Your Excellency will bear in mind that our determination to obtain justice by means warranted by the best approved precedents, and by the spirit of the constitution itself, was taken at a more distant epoch, and that, as a mark of our confidence in you, we temporarily departed from that determination by voting a supply for six months. We assure your Excellency, as well as His Majesty's Government, that in that Act, which we look upon as a mark of our liberality, we were prompted by no minor consideration, nor by any unjust or incorrect interpretation of the intentions of His Majesty's Ministers. The conclusion of our said Address contains an explanation of our motives, and of the difficulties which it was not in our power to ward off; the same circumstances, as well as the previous consideration of the salutary principle above referred to, render it incumbent on us, in the present conjuncture, to *adjourn our deliberations until His Majesty's Government shall by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which alone can crown it with success.*

Amidst the closing events of the last session, there is one circumstance in particular which we respectfully believe has not been sufficiently noticed by His Majesty's Government. That is: it was not this House, but the Legislative Council which deprived the Provincial Administration of the resources which would have been at its disposal, and which placing itself between the Crown and the people in a matter specially appertaining to the representatives of the latter, has prevented the free gift of the Commons to reach the Throne.

In concluding this Address, we shall again express our belief in your Excellency's sincerity and intentions, and we flatter ourselves that under different circumstances and with more direct powers, your Excellency would have sooner helped to obtain the change which we await. If such a change had taken place, the good understanding which has hitherto existed between this House and your Excellency, notwithstanding the difficulties of our respective positions, would lead us to expect the most happy results from your Excellency's desire to advance the prosperity of the country.

II.

Address to His Majesty, voted by the House of Assembly of Lower Canada, 26th February, 1836.

To the King's Most Excellent Majesty.

May it please Your Majesty,

We, your Majesty's faithful and loyal subjects, the Commons of Lower Canada in Provincial Parliament assembled, humbly approach Your Majesty's throne for the purpose of expressing once more, in the name of the people we represent, *our firm though respectful opinion of*

the necessity of the reforms we have so often prayed for in the constitution of this Province, and of the redress of the grievances and abuses which have prevailed therein. We seize the same occasion to make known our sentiments with regard to a portion of the recent views and determinations of Your Majesty's Government, in so far as it has been possible for us to become acquainted with them. We pray Your Majesty to believe in our sincerity. We desire, as the representatives of a people, who have even in times of difficulty shown a strong attachment to the empire over which Your Majesty presides, not to forget the sentiments of respect we owe to Your Majesty's sacred person, and which Your Royal attributes require; but at the same time it would be culpable in us to sanction by our silence any misconception with regard to the nature of the improvement and reforms required, or to the constitutional and practical system of government which we desire to see established in this province, and which we believe to be equally in accordance with the true principles of the constitution, the incontestible rights of the inhabitants of this Province, and their natural and social position, and with their wishes, interests and necessities.

When we solemnly repeat, that the principal object of the political reforms, which this House and the people of this province have for a great number of years used every effort to obtain, and which have frequently been detailed to Your Majesty, *is to extend the elective principle to the Legislative Council*, a branch of the Provincial Legislature which, by its opposition to the people, and by reason of its imperfect and vicious constitution, has proved insufficient to perform the functions for which it was originally created; *to render the Executive Council directly responsible to the representatives of the people*, conformably to the principles and practice of the British constitution as established in the United Kingdom;—*to place under the wholesome and constitutional control of this House the whole public revenue raised in this Province, from whatever source derived*;—to obtain the repeal of certain Acts passed by the Parliament of the United Kingdom, in which the people of this Province are not represented, with regard to the internal affairs of this Province, making its territory and best resources the subject of unfair speculation and monopoly, and *which we hold to be a violation of the rights of the Legislature and of the people of this Province*; to ensure equal rights and impartial justice to all classes of the inhabitants of this Province;—to abolish sinecures and the accumulation of incompatible offices;—to redress the numerous abuses which prevail in the various departments of the public service;—*to obtain for the Provincial Legislature, with regard to the internal affairs of the Province, and more especially over the management and settlement of the waste lands thereof, for the benefit of all classes of Your Majesty's subjects without distinction, that essential control which would be the direct consequence of the principles of the constitution.* When we say we respectfully repeat to Your Majesty these our demands, and declare *our firm intention to persevere* in asking them, as being alone calculated to ensure the liberty, peace and welfare of this Province, and the confidence of the people in the Government, and to cement their political union with the United Empire, *we can*

scarcely fear that we should not be understood by Your Majesty. We shall, however, add to our humble declarations some new facts which must tend yet more to convince Your Majesty of the justice of what we ask, and of the correctness of the view we take of the common interest of the mother country and of this colony.

We are bound, in the first place, to thank Your Majesty for having recalled the head of the Executive Government, and for having appointed as his successor a distinguished personage, who, independently of his qualifications as an individual, of which we have no motive for doubting, was, from his previous habits and position, more likely to comprehend our wishes and our wants. At the opening of the present session of the Provincial Parliament we had to applaud the principles of order and justice enounced in the speech delivered from the throne by his Excellency the Governor-in-chief of this Province, on divers matters connected with the administration of the government, and which might become the subject of our deliberations. In our firm hope that the efforts of Your Majesty's Government to do full justice to the people of this country would be continued without relaxation, in a spirit of enlightened liberality, we have by our answer shown that confidence could still exist on our part and that of the people in Your Majesty's Government. We believed so much the more firmly, that the declaration of which we have just spoken, and the extraordinary attributions and circumstances which accompanied the usual powers of Your Majesty's representative, were our guarantees that the essential and vital subjects which were only spoken of to us as matters for the future deliberation and decision of Your Majesty and Your Parliament, would be looked at in the same comprehensive spirit, and with the same views, and above all, that the researches and determination adapted to throw light on the solution of these weighty questions would not be restrained by any formal refusal of the demands which were to form the matter of investigation, nor by any final determination to maintain at all events the pretensions raised from time to time on divers subjects of colonial policy by Your Majesty's responsible Ministers, and which called forth the remonstrances of this House and the people; matters which, as Your Majesty was pleased to assure us, were to be equally the subject of research and deliberation. We thought, that without bringing forward unjust and inapplicable theories of metropolitan domination and colonial abasement, without recurring to a system proved false by memorable examples, regard would be had exclusively to the principles of the constitution, the mutual interests of all parties, and the peace, welfare, rights, wishes and wants of these important portions of the British dominions. It could, therefore, only be with lively anxiety that we were brought to suppose, from the knowledge which reached us, at first indirectly, and afterwards by the official channel, of certain extracts from a Despatch, dated the 27th of July, 1835, addressed by Your Majesty's Principal Secretary of State for the Colonies, to certain persons in Lower Canada, (unacquainted as we moreover are with the tenor of the other parts of the same document, and with any subsequent instructions,) that in point of fact the researches authorized by Your Majesty, for the purpose of ascertaining the means of doing justice to Your

Canadian subjects, were, on several of the most essential points, limited by preconceived opinions and anticipated decisions in the manner hereinafore set forth. We are bound on this head to declare, that *in the face of obstacles like these, if Your Majesty's Government should persist in maintaining them, and without Your Royal assent to the essential reforms we expect, no measure of minor importance can have the effect desired*; that the delay occasioned by the investigations announced, will serve only to embolden the enemies of the people of this Province and of Your Majesty's Government in their hopes of dissension and violence, and that the best intentions or even acts on the part of the head of the Provincial Executive, even in conjunction with the efforts of this House and of the people, might be wrecked in contending against the deep rooted system of vice and abuse which has robbed Your Majesty's Government in this Province of all efficiency and respect, and has endangered the liberties and safety of the inhabitants of Canada.

At the head of the reforms which we persist in considering as essential, is the introduction of the principle of popular election into the constitution of the Legislative Council. The people of the country without distinction regard this body, as at present constituted, as factiously opposed to its institutions, its state of society, its feelings, and its wants, and as having been and as being necessarily the strong hold of oppression and abuses. They continue in like manner to believe that *any partial reform which shall stop short of the introduction of the elective principle, will be altogether insufficient*, and will, as leaving the inherent vice untouched, bring back the same evils and the same collisions. We think, that with regard to the constantly baneful action of the Legislative Council, *we have amply explained ourselves to Your Majesty*, and that *no other proof* than the past and the present acts of that body *is needed to remove all doubt as to the nature and spirit of the improvements to be introduced into it.* We look, in this respect, upon the Act of 1791, giving Legislators for life to the Canadian Provinces, at the mere pleasure of the executive authority, as an unfortunate experiment, followed by most unhappy consequences. We also look upon this experiment as entirely foreign to the British Constitution. We regret that in the extracts from the despatches we have mentioned, an attempt is made, by begging the question, to infer an analogy which does not exist, for the purpose of aggravating certain specious objections against an Elective Council. We would respectfully pray Your Majesty to remark, that the influence which prevailed in the Councils of the Empire, at the period when the Act of 1791 was passed, was calculated to give an undue preponderance to the aristocratic principle, while, in America, the independent state and the progress of society repelled any doctrine of this nature, and demanded the extension of the contrary principle. We must also express our regret, that while Your Majesty's representative in this Province has solicited the co-operation of the two Houses of the Provincial Legislature to labour at the reform of abuses, and while this House is fully disposed to grant that co-operation, the constant opposition of the Legislative Council is of a nature to prevent so important an appeal from being followed by any result. For ourselves we are conscious that we have ever been, and are still

guided in our labours by our conviction of what was for the greatest advantage of the people, and best adapted to cause Your Majesty's Government in this Province to be respected, cherished and strengthened; and *firm in our determination to pursue the same course, we pray Your Majesty to believe that we shall not depart from it.*

We are not ignorant that some individuals interested in the maintenance of bad government, and accustomed to a system of ascendancy and domination, pretend that harmony might be established between the constituted authorities in the Province, by introducing in its territorial limits, or in the representation of the people, violent changes, of which the sole end would be to deprive a numerous portion of Your Majesty's subjects of a due participation in the advantages of the constitution, and to establish invidious political preferences, as a prelude to the subversion of the institutions of the Province, at the very time when Your Majesty's Government is proclaiming principles of equal justice to all, and acknowledges the excellence of our institutions. We rely too much on the honour of the Government to believe in the possibility of attempts which would destroy all the ties that bind the people to Great Britain, and would force them to regret their allegiance.

We cannot, however, but express our regret that in the extracts already mentioned, as well as in several other instances, it has appeared as if the same importance was attached to the calumnious representations of a small number of individuals, supporting the abuses of past administrations, as to the solemn deliberations and unvarying opinions of the representatives of the people, who form a branch of the Legislature which no prejudice against their origin can succeed in causing to be regarded as less essential than the other and co-ordinate branch. In this systematic practice of assimilating a recognized authority, acting in a constitutional capacity, to the disorderly passions which seek to overthrow it, the people of this country might in the end see a desire to misunderstand *the essence and unity of the popular principle* acting in the Government, while the aristocratic principle is upheld by attaching it to the Legislative Council, *as if it were part of the essence of the constitution itself.* We have at least the satisfaction of seeing that the great body of the inhabitants of this Province, of every creed and of every origin, are satisfied with the share they have in the Provincial representation, and that our fellow-subjects of the less numerous origin in particular, acknowledge the spirit of justice and brotherly love with which we have endeavoured to ensure to all the inhabitants of the country, a participation in its political and natural advantages. We perceive in this happy union another guarantee of good government, and an antidote against the tortuous policy which it is sought to support by unjust distinctions.

Even admitting, in opposition to principles and to facts, that the Legislative Council of Lower Canada had some analogy to the House of Lords, it would not follow that the constitution of the said Council ought not to undergo any change, when such change shall become necessary to the stability of the Government, and to the common welfare of the people, since the happy modifications in the institutions of the United Kingdom, which have assured to 7,000,000 of men their

civil and political rights, which have dispensed with intolerant tests, and have purified and equalized the representation of the people, although opposed at first by the powers of the day, as contrary to the constitution, found at length their place in the statute book, to the great benefit of Your Majesty's Government, and of Your subjects. What the inhabitants of the three Kingdoms asked and obtained for themselves, under given circumstances, we ask for ourselves under circumstances very little dissimilar, and we believe that when we shall have obtained them, the constitution will have lost nothing of its essence or of its efficiency, but will, on the contrary, have acquired an element of strength and activity, rendering it more fit to attain the objects of its institution, the happiness and contentment of the people.

Respecting, as we do, the expression of the Royal Pleasure, we yet regret that the Ministers of the Crown should have declared that Your Majesty was most unwilling to admit that the question of an Elective Legislative Council was a subject open to debate in this Province. We beg to be permitted to represent to Your Majesty, that it is not within the province of the Colonial Secretary to limit the subjects which are to engage the attention of this House and the people it represents, within the required forms, with the view of improving the laws and condition of the Province. Against this infringement of the liberties of the subject, by one of Your Majesty's responsible servants, we dare to appeal to the supreme authority of the Empire, to that of Your Majesty sitting in Your High Court of Parliament.

We do not intend to discuss the historical points of English colonial government, on which we venture to differ with your Majesty's Ministers. Time has solved the problem, and we firmly believe that those happy countries to which these questions refer would never have attained the degree of prosperity which they now enjoy, either under the old Colonial Government or under a system like that which successive Colonial Ministers have established and maintained in this colony.

On the subject of the Executive Council, we abstain from entering on any details, because we hold this question to be closely connected in practice with the other more important subjects of colonial policy. *We shall confine ourselves to saying, that the full and entire recognition of the rights of this House and of the people, by those whom Your Majesty may be pleased to call to Your Councils, and their constitutional responsibility, based upon the practice of the United Kingdom, will be essential motives for confidence in Your Majesty's Government.*

We have also asked, and we now again ask, for the repeal of certain noxious Acts, of which the people of the country have complained; we wish, among others, to mention the Act of the sixth year of our late Sovereign George the Fourth, Your Majesty's Royal Brother, chapter 59, commonly called the "Tenures' Act," and also the more recent Act granting certain privileges to a company of individuals, residing chiefly in London, whose object is to make the lands of this Province a subject of speculation. With regard to the former of these Acts, its nature and its effects, our complaints have been so detailed and so numerous,

that we shall abstain from repeating them ; we shall only add, that recent decisions of the superior tribunals of the country have refused any validity to the proceedings of the *pretended Court of Escheats* established by the said Act, which has in fact merely served as a pretext for creating several sinecures, paid out of the public revenue of this Province, and *which we have not recognized, and will never recognize*. We pray Your Majesty, then, that being at length convinced of the baneful effects of the said Act, on the social institutions of this Province, the common rights of its inhabitants, and the settlement of the waste lands therein, without its containing one redeeming beneficial provision, but when, on the contrary, it has tended solely to favour the seigneur, while it professes to be intended for the relief of the mass of the censitaires, it may please Your Majesty to recommend to Your Parliament *the immediate repeal of the said Act, in order that the Provincial Legislature may be no longer prevented from enacting laws (as it has the right to do) on the numerous subjects which it has been pretended to regulate by the said Act, and in order that we in particular, as one branch of that Legislature, may do justice in that behalf to our constituents, in a manner adapted to their interests and their wants, with which we have better means of being acquainted than any authority sitting without this Province.* On the subject of the latter of the said Acts, we have, as well before it was passed, and with the knowledge and approbation of Your Majesty's Ministers while it was in progress through the Houses of Parliament, as since that time, made equally numerous representations. We know that one of the effects of this Act, besides authorizing monopoly in improved lands already owned and occupied by the people of this Province, has been to confirm the *illegal sale of nearly a million of acres of the waste lands of this Province, made to the said company in addition to the unusual privileges it confers on the same company, with regard to the application of the proceeds of the said sale privileges which belong solely to the Provincial Legislature, whose powers have been therein usurped.* This subject is also closely connected with the incontestable right of British subjects inhabiting this Province, and of those who come to settle therein, not to be taxed without their free consent, expressed through their representatives. The said sale has also rendered impossible the free settlement of the most advantageous portion of the accessible lands, and, properly speaking, the only portion of these lands which had escaped the action of the system of fraud, speculation and monopoly which the servants of Your Majesty's Government in this Province have constantly maintained in this department. We humbly believe, that independently of the high considerations aforesaid, *an essential point of the public law of the country has been lost sight of, namely, that the waste lands of this Province are not, may it please your Majesty, of the same nature as the hereditary and patrimonial property belonging to Your Majesty's Crown, any more than they had that character when they were held by His Most Christian Majesty. They formed then, and we deem that they form at this day, part of the public domain of the state which in the several dependencies of the Empire, is committed to Your Majesty's paternal care for the benefit of*

their inhabitants, and of other subjects of Your Majesty who may wish to settle therein, and is subject to the supreme authority of Parliament; and we conceive that in this Province the Provincial Parliament is fully and exclusively invested with this authority, the exercise of which we shall never willingly renounce. We believe we have given too many proofs that we are perfectly disposed to exercise it for the advantage of all classes of Your Majesty's subjects, to render it possible that any consideration foreign to the laws and constitution, should induce the Parliament of the United Kingdom or Your Majesty's Ministers forcibly to abridge, in this point, the rights of the Provincial Parliament.

If other arguments than those drawn from constitutional law, and from the public law of the country, were requisite to demonstrate the correctness of the view we take of this question, we would say, that in practice, other portions of the public domain of this Province, which were a source of profit at an earlier period, have continued to be administered as having precisely the same character as before the cession of the country; that in divers instances no objection has been raised to the various Acts of the Provincial Parliament on matters therewith connected; and that from the moment when the very Act which defines the forms of our present constitution went into operation (a circumstance which cannot but have weight with Your Majesty), *Your Majesty's Government has recognized the nature and destination of the waste lands of this Province by the very circumstance of reserving and continuing to this day to reserve a seventh part thereof to belong more particularly to the Crown, and to be under its special control.* Instead of this seventh, the executive authorities have taken possession of the whole of these lands, of which they have disposed for the personal advantage of their members, and of their friends and subalterns, for the purpose of planting corruption in the representation and among the people, of securing an undue irresponsibility in the Provincial Administrations, and of withdrawing them altogether from the control and influence of this House. To justify their former waste, and to retain the same means of bad government for the future, the same authorities established as a doctrine what had theretofore been only a culpable act; and these pretensions, rendered powerful by their own effects, have unhappily made their way to Your Majesty's Throne, and to the Supreme Councils of the United Kingdom.

Under the ancient government in Canada, the settlement of the wild lands, under a system as regular and easy as possible, and adapted to the circumstances of the climate, the laws, manners and locality by the then inhabitants, and by others of their fellow-subjects who come to settle among them, was regarded as a point so essential, that a great portion of the ancient law of the country relates to this subject, and lays down rules which ensure the right of the population to obtain lots of land for the purpose of cultivating them, and which establish the relative rights of all the parties interested. We conceive, that the power of ensuring the efficiency of these laws, of modifying them, or enacting others in their stead in case of need, has devolved solely upon the Provincial Parliament. We regret that since the change of dominion

the exactions of certain seigneurs, and the undue favours which have been conferred on others under the Tenures' Act, on the one hand, and the pretensions of the Executive to dispose of these lands without control on the other hand, have entirely nullified the advantages which were best adapted to advance the moral and physical welfare of the people, and to give stability to their institutions and to their political existence, as a happy and affectionate portion of Your Majesty's subjects. We are sure that the people of Canada, of whatever origin, have equally had reason to complain of the vices and abuses above mentioned. We cannot believe that while rights so essential were recognized and respected under an absolute monarchical government, the operation of the British constitution, though imperfect in its application to this Province, will be absolutely insufficient to maintain them.

Your Majesty cannot but know that the climate of this portion of the world, and other peculiar causes, render the clearing of lands, in order to bring them under cultivation, one of the chief resources of the surplus population of the old settlements, and the surest mode of investing the very moderate capital possessed by the people of the country. The resources which the waste lands would afford in point of revenue, under a wise system of management, established under the authority of the Provincial Parliament, would be equally necessary as a provision for the support of Your Majesty's Provincial Government, and for the completion of the numerous local improvements made requisite by the increase of the population, the emigration from the United Kingdom, and the state of a rising country. These resources are so important in both these respects, that if left to the unrestrained disposal of the Executive, they would destroy the constitution, purchase the adherence of men made powerful by the authority vested in them, and give the administration ample pecuniary means equivalent to the other revenues of the Province, and, consequently, the power of governing arbitrarily in defiance of the authority of the Legislature. We state, as a fact, that such has been in effect the system which has prevailed in this Province, and has been an inexhaustible source of evils and abuses. We attach so much importance to this subject, that we are firmly of opinion, that *without the legislative and constitutional authority of the Provincial Parliament over the lands of the Provincial domain, and the revenue arising from them, the power vested in the Legislature to make laws for the peace, welfare and good government of this Province, would be altogether nugatory.* Your Majesty may infer from this, how much we differ from Your Majesty's Minister, when in one of the extracts from despatches above mentioned, while commenting on the tenure of public offices in the Province in a manner which seems to us but little applicable to the subject, he appears, on the contrary, to wish to curtail the influence of the representatives of the people over the persons composing the administration, because this House must be animated by a spirit of the people, while we regard this latter circumstance as a most fortunate one, and as a pledge for the due and efficient conduct of public officers, and for the security of those whose affairs they administer.

We therefore pray Your Majesty to be pleased to recommend to Parliament the repeal of the said Act passed in favour of the Land Company; and also that it may please your Majesty to adopt legal means for annulling all the undue privileges incompatible with the rights of this Province, which it is the object of the said Act to confirm, or of which it may have been the source. We also humbly pray Your Majesty to be graciously pleased, with regard to the matters relative to the public domain and the lands of this Province, to recognize the rights of its Legislature, and of Your faithful subjects therein, to the end that we be no longer prevented from labouring as a part of that Legislature, and, with the consent of Your Majesty as the first branch thereof, to render available all the resources of the subjects who inhabit this Province, or may come to settle in it; and more especially to ensure to all without distinction the means of settling on the waste lands, under an easy system, and on such conditions as shall be found most advantageous.

On the subject of the independence of the Judges, we see with pleasure that there exists no difference between the views of Your Majesty's Government and our own. We regret that our efforts to carry those views into effect have been misunderstood. Since that time the modifications which have rendered the character of the Legislative Council worse, while it was pretended to improve it, have convinced us that it would be of no advantage to the due administration of justice to proceed on the same basis. We shall not, however, abandon the consideration of the subject, and we shall attentively examine any plan which shall appear to us well adapted for the attainment of the desired end.

What we have now said will suffice to show Your Majesty what our views are, with regard to the politics of the colony as a whole, to the functions and powers which we believe to belong to the Provincial Legislature on all matters relative to the internal affairs of the colony, and with regard to what we conceive to be the best means of ensuring activity, efficiency and responsibility in the public service. We would suggest to Your Majesty, that there are on this portion of the American Continent more than 1,000,000 of Your Majesty's subjects, composing the Colonies of Upper and Lower Canada, who, speaking different languages, and having a great diversity of origin, laws, creeds, and manners, characteristics peculiar to them respectively, and which they have severally the right to preserve as inhabitants of a separate and distinct Province, have yet to come to the conclusion that the institutions common to the two countries ought to be essentially modified, and that it has become urgently necessary to reform the abuses which have up to this day prevailed in the administration of the Government. We rejoice that we have, in our just claims, the support of our brethren of Upper Canada. This support will demonstrate to Your Majesty, and to our fellow-subjects in all parts of the Empire, that we have been sincere in our declarations, that the circumstances and wants of the two Canadian Provinces do indeed require a responsible and popular government, and that we have been actuated by no narrow views of

party or of origin in demanding for many years of Your Majesty that such a government may be granted us.

With regard to the protection and to the equality of rights which Your Majesty's subjects in this Province are entitled to, the remedy of evils and abuse, the abolition of sinecures and pluralities, the expected formation of an Executive Council on the principles above set forth, and to divers other subjects more particularly mentioned in the speech from the Throne at the opening of the present session, we refer to our answer to his Excellency the Governor-in-chief, and we ardently wish that the views and instructions of Your Majesty's Government on essential points, may be of a nature to facilitate the results which Your Majesty's representative has been pleased to promise, and which it will afford us the most lively satisfaction to see attained.

In the extracts from despatches hereinbefore cited, there are certain passages which induce us to believe that we have not made ourselves understood by Your Majesty's Government, with regard to the nature of the control we desire for the Provincial Legislature over the waste lands of the public domain of the province, and which might cause some misapprehension in the opinion of our fellow-subjects. We have never claimed to exercise over this portion of the affairs of the Government, any other authority than the parliamentary and constitutional authority which we are entitled to exercise over all the other affairs of the country, in so far as the peace, welfare, and good government of the country may be therein concerned. We have already set forth at length our reasons for believing that this authority belongs to us. On this head, as on all others, our wish is, that the due execution of the laws may remain in the hands of the Executive authority within the limits prescribed by the laws and the constitution, and under the necessary responsibility; but we also wish that the right of the Assembly of the Province to legislate on these subjects, jointly with the other branches of the Legislature, and to exercise in this behalf the other powers of the Commons of the country, may receive its full application. We believe we have demonstrated the fatal results of the systems in which this wholesome doctrine has been lost sight of, and of the necessity which exists that their effects should be remedied by laws, in the making of which we have a right to participate. We should esteem ourselves happy if this explanation of our views remove any unintentional mistake into which Your Majesty's Government may have fallen, in construing our former representation. If we have in them dwelt more especially on this subject, it is because, until lately, it was enveloped in this province in a system of secrecy, by which the rights of the Provincial Parliament were violated and rendered nugatory, and which has been most injurious to the interests of the Government, and also because Your Majesty's Ministers seem to agree in the opinion that these matters should be withdrawn from the legislative and parliamentary control of the Provincial Parliament. If, on this occasion, we repeat our claims, it is because the more recent opinions of the same servants of Your Majesty have appeared to us to have the same tendency. On the subject of the waste lands, we shall here add that

we consider them as of much greater importance, with regard to their free settlement, than with regard to the immediate pecuniary revenue which might be derived from them by disposing of them at too high a price, or in larger portions than would suffice to meet the demands of such of Your Majesty's subjects as should be disposed personally to cultivate and settle on them.

It remains for us to address Your Majesty on an important and extensive subject, the public revenue and expenditure of this Province. We humbly thank Your Majesty for the gracious declaration that Your Majesty is disposed to admit the control of the representatives of the people over the whole public revenue raised in the Province. We regard the fulfilment of this promise as of the highest importance. In stating explicitly in the preceding portion of this Address, the rights which we humbly believe to belong to the Legislature of this Province, with regard to certain parts of this revenue, we wish to present the subject in its true point of view, in order that no misconception may hereafter retard the desired result. In the proposal which it may please Your Majesty to make to us for the purpose of attaining this result, it is impossible that Your Majesty should lose sight of the essential principles of the constitution, or of the Declaratory Act of 1778, to the benefits of which we believe the people of this country are peculiarly entitled. We shall receive with respect, and examine with the most scrupulous attention, any communication which Your Majesty may be pleased to make to us, tending to the settlement of the financial questions. *We believe, however, that any merely temporary arrangement made as a matter of expediency, and not carrying with it the recognition of the principles we have supported, could not have the desired effect, but would sooner or later bring back the very difficulties with which we are now contending.* We humbly represent to Your Majesty, that the people of this Province, tired of the continued struggle in which they have been so long engaged, to obtain the recognition of their rights on the part of the metropolitan and colonial authorities, would regard with painful apprehension the possibility of the recurrence of the same state of things, and of the necessity of making new sacrifices for the purpose of laying these complaints before Your Majesty and Parliament. We wish for Government which shall assure us freedom and security; the unrestricted effect of Your Majesty's declarations can alone confer it on us, and *it will be when we possess it, and can entertain a hope of the removal of the grievances and abuses that we complain of, that we can properly consider the means of giving effect to Your Majesty's wishes with regard to an appropriation of a permanent nature.* With respect to the extension of any appropriation of this nature, beyond what we have hitherto thought to be reasonable, *it will be impossible for us to take the subject into consideration until after the views of Your Majesty's Government, with regard to the details, shall have been made known to us.* We must, however, declare, that having represented to Your Majesty our views with regard to the efficiency and responsibility which we wish to see established in the Provincial Government, we should think we failed in our duty to our constituents, if we destroy that efficiency and that responsibility by

placing, as a general rule, the great public functionaries of the Province beyond the reach of the wholesome action of the constitution. We are not actuated by any considerations of a merely pecuniary nature; we believe that the largest sums Your Majesty's Government could ask for, would be utterly insignificant, in comparison with those for which Your Majesty's servants in this Province have been defaulters, or the enormous sums expended out of the public revenue, without the authority of the Provincial Legislature, and even in opposition to the votes of this House; or in comparison with the waste of the public property, by which four millions of acres of land, or more, scarcely an eighth part of which has yet been settled, have been monopolized or alienated. But we earnestly desire to preserve the benefit of a just control on the part of the Legislature, over the several branches of the Provincial Executive, and we can never consent, by renouncing it, to confound all the powers of the state for the time to come.

The pretensions set up by the Executive authority to the exclusive disposal of considerable portions of the public revenue of this Province have been so different and so variable, that we shall ever consider it a fortunate circumstance that the discussion of these questions, as far as principles are concerned, has been closed by the general declaration, for which we have already expressed our gratitude to Your Majesty. But we cannot admit that our present claims are at variance with our anterior acts, as Your Majesty's Minister supposes. If we could consent to retaliate, and continue the discussion, we might say, that the control of the Provincial Legislature over the sources of revenue in question has been recognised by a long course of practice; that with regard to the casual and territorial revenue, the message of his Excellency, Lord Dorchester, in the year 1794, was then, and has ever since been interpreted in the Province, and even by the Royal authority in assenting to divers Bills passed by the Provincial Parliament, in such manner as to leave no doubt on the subject; we might then regard the more recent pretensions of the Executive as of a nature altogether unexpected. But, omitting these arguments, we appeal only to the principles of the constitutional and public law of the colony, and the very nature of these sources of revenue, which, we believe, we have sufficiently set forth.

There is another point connected with the casual and territorial revenue of which we ought not to omit to speak. The very definition of this revenue, and the particular sources from which it is derived, demonstrate that it extends to all resources which may be derived from Your Majesty's public domain in this Province. Lord Dorchester, in the message abovementioned, confirms this conclusion in speaking of the sources of revenue from which no profit had then been derived; and his Excellency, Lord Aylmer, had very recently included the revenue arising from the sale of lands and the cutting of timber in the casual and territorial revenue. Your Majesty, therefore, will not see without surprise, that Your Ministers and servants, feeling that the control of the Provincial Parliament must sooner or later be exercised over the said casual and territorial revenue; compelled, moreover, to acknowledge that in any case this revenue could not be applied otherwise

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than to the wants of the Civil Government and of the administration of justice; and desirous of creating funds which might be otherwise applied, and might enable them to indulge the spirit of favouritism, and perpetuate their system of bad government, have endeavoured to separate from the said casual and territorial revenue the most important and extensive portion of it, namely, the whole of the waste lands and saleable timber in this Province; and they appear to have assigned to the fund which they thus procured by the sale of the said lands and timber, without lawful authority, the name of Your Majesty's Hereditary Revenue. It is sufficient to examine the purposes to which this part of the revenue has for many years been applied, to be convinced that our opinion of this application is by no means erroneous, and that these purposes have only an almost infinitely distant relation to the essential wants of the Civil Government, and of the administration of justice, for which the casual and territorial revenue is destined. From this administrative manœuvre it follows, as a necessary consequence, that in the hands of Your Majesty's servants, to whom the management of the territorial domain is entrusted, the waste lands will be alienated with a view to the immediate increase of this uncontrolled revenue, instead of being managed with a sage foresight, founded on the consideration of the resources which these lands offer for the future, and of their settlement by Your Majesty's subjects. It seems to be intended that this revenue should be enormously increased by the proceeds of the sale to the Land Company. On this latter subject we pray Your Majesty to be pleased to exclude from the revenue over which you have been graciously pleased to encourage the hope of seeing the control of the Legislature of this Province established, all sums arising from alienations in favour of the said Company. We hold the unrestrained access to so great an extent of the waste lands, to be too valuable to Your Majesty's subjects who inhabit this Province, or who may hereafter come to settle therein, to allow us to barter away their rights for any pecuniary considerations whatsoever, or by acknowledging the validity of the said alienations. We are, therefore, bound to abide by the requests herein above made to Your Majesty.

We humbly thank Your Majesty that, if we rightly understand Your gracious intentions, the announced recognition of the control of the Provincial Legislature over the whole revenue extends equally to the sources of revenue thus separated from the casual and territorial revenue. This extension will have the effect of preventing, for the future, the consequences of the system heretofore followed. We observe, however, that Your Majesty is desirous of maintaining, under any final arrangement, the charges to the payment of which this particular revenue has hitherto been applied, and which are considered as permanent. We have already expressed our opinion as to the nature of these charges. Your Majesty cannot doubt our readiness to make every provision which may be necessary to ensure the efficient and beneficial management of the said lands and timber. We shall likewise give our attention to the nature of the other charges, with the view of making the result of our deliberations known to Your Majesty's Government. We have, however, already declared that we could not

recognize the sinecures created under the Tenures' Act. With regard to the several pensions which have hitherto been paid out of this fund, it is our wish to express no premature opinion here; and *we shall merely remind Your Majesty that they have hitherto been in opposition to the determination of this House.* If we see the desired arrangement effected, we shall receive with respect, and shall take into consideration with the liberality we have always exercised (regard being had to the circumstances of each case, and to the resources of the country), all recommendations from Your Majesty requesting appropriations on our part, of the public monies for constitutional purposes.

Having thus exposed our opinions on the essential points of the extracts from despatches which have come to our knowledge, we refer on all other points to our humble petitions to Your Majesty and Your Parliament of the 1st* of March, 1834, and the 28th of February, 1835, in which we persevere. We beg leave to call Your Majesty's royal attention to the essential reforms we have pointed out in the former part of this address, and which we believe to be indispensable. Declaring ourselves unsatisfied with the views and intentions of Your Majesty's Ministers, *we address ourselves to Your Majesty and Your Parliament, in order that our just claims may be listened to*, and that Your Majesty's Government in this Province may be rendered constitutional and responsible, and possess the confidence of your faithful subjects. We have frequently regretted that the destinies of the inhabitants of this portion of the British empire should depend almost solely on a colonial minister on the other side of the ocean, acting for the most part on incorrect data, and on an imperfect knowledge of facts, and left to act on his own responsibility. We also venture humbly to express our regret, that in the discussion of colonial questions in general it has not been thought right to attach sufficient importance to them to place them among the number of those on which the public confidence in Your Majesty's Government depends. We have suffered and still suffer from this state of things, and we believe that it would be best remedied by the action in the Province itself of a government at once popular and respected.

In the position in which we are placed, and however unjust the projects of the Colonial Office may appear, it is yet our wish to give Your Majesty a proof of our desire for conciliation and peace. *We have expressed our regret that, according to the extracts from despatches above cited, even the temporary arrangement alluded to by Your Majesty's representative cannot take place unless this House virtually admits the control of the Executive over funds which we believe to belong to us, nor unless these funds remain hereafter as they have done heretofore, and for a term of which it is impossible to ascertain the extent, subject to charges created by the mere authority of the Executive, and which it regards as permanent.* We are however resolved

* The address of the 1st March, 1834, consisted of the 92 Resolutions of the 21st February, 1834; see the next document, No. 3. The address of the 28th February, 1835, contained nothing which is not in the three papers now published, excepting some complaints of the Governor and others.

to neglect nothing which can afford to Your Majesty and Your Parliament an opportunity to do us justice, and to the present administration of this Province the means of effecting such reforms as the vices of the system permit ; and we have determined to provide for the expences of the Provincial Government for a limited time, regard being had to the circumstances attending the several items, and the resources of the country. We pray that Your Majesty will attribute the manner in which we shall endeavour to give effect to the decision we have thus come to solely to our sincere desire to obtain a better government, and not to any abandonment of the principles we have supported; and that Your Majesty will not allow it to be made a subject of reproach to us when we may again hereafter insist on these principles. It is with the view of maintaining them, and of obtaining Your Majesty's decision and that of Your Parliament on the weighty matters we have set forth, and the removal of grievances and abuses, that we have postponed the consideration of the other demands which would have necessitated a further departure from what we believe to be the constitutional rights of the people. We expect full justice from the august tribunal to which we appeal; and we trust that the Provincial Parliament will be called together for its next session so as to enable us to continue as early as possible our labours for the welfare of the country, and reassured, by the justice and liberality of the measures we expect, to consider the means of finally arranging the difficulties existing in the government of this Province, and of giving strength, stability, and public confidence thereto.

Wherefore we respectfully entreat Your Majesty to listen favourably to our humble prayer, and, as well by the exercise of the august powers which belong more especially to Your Majesty, as jointly with the Parliament of the United Kingdom, to render full justice to your faithful subjects, and to deliver them from the oppressions and bad government which, through colonial ministers, have long weighed heavily upon them. And by inclination led, as well as by duty bound, we shall ever pray for Your Majesty's sacred person.

(Signed) L. J. PAPINEAU,
Speaker of the House of Assembly.

*House of Assembly, Quebec,
26 February, 1836.*

III.

Resolutions of the House of Assembly of Lower Canada, dated Quebec, Friday, 21 February, 1834.

1. Resolved, That His Majesty's loyal subjects, the people of this Province of Lower Canada, have shown the strongest attachment to the British Empire, of which they are a portion : that they have repeatedly defended it with courage in time of war ; that at the time

which preceded the Independence of the late British Colonies on this continent, they resisted the appeal made to them by those Colonies to join their confederation.

2. Resolved, That the people of this Province have at all times manifested their confidence in His Majesty's Government, even under circumstances of the greatest difficulty, and when the government of the Province has been administered by men who trampled under foot the rights and feelings dearest to British subjects; and that these sentiments of the people of this Province remain unchanged.

3. Resolved, That the people of this Province have always shown themselves ready to welcome and receive as brethren, those of their fellow subjects, who, having quitted the United Kingdom or its Dependencies, have chosen this Province as their home, and have earnestly endeavoured (as far as on them depended) to afford every facility to their participating in the political advantages, and in the means of rendering their industry available, which the people of this Province enjoy; and to remove for them the difficulties arising from the vicious system adopted by those who have administered the government of the Province, with regard to those portions of the country which the New-comers have generally chosen to settle.

4. Resolved, That this House, as representing the people of this Province, has shown an earnest zeal to advance the general prosperity of the country, by securing the peace and content of all classes of its inhabitants, without any distinction of origin or creed, and upon the solid and durable basis of unity of interest, and equal confidence in the protection of the Mother Country.

5. Resolved, That this House has seized every occasion to adopt, and firmly to establish by Law in this Province, not only the Constitutional and Parliamentary Law of England, which is necessary to carry the Government into operation, but also all such parts of the public law of the United Kingdom as have appeared to this House adapted to promote the welfare and safety of the People, and to be conformable to their wishes and their wants; and that this House has, in like manner, wisely endeavoured so to regulate its proceedings, as to render them as closely as the circumstances of this Colony permit, analogous to the practice of the House of Commons of the United Kingdom.

6. Resolved, That in the year 1827, the great majority of the people of this Province complained, in Petitions signed by 87,000 persons, of serious and numerous abuses which then prevailed, many of which had then existed for a great number of years, and of which the greater part still exist without correction or mitigation.

7. Resolved, That the complaints aforesaid, and the grievances which gave rise to them, being submitted to the consideration of the Parliament of the United Kingdom, occasioned the appointment of a Committee of the House of Commons, of which the Honourable Edward Geoffrey Stanley, now His Majesty's Principal Secretary of State for the Colonial Department, and several others who are now Members of His Majesty's Government, formed part; and that after a careful investigation and due deliberation, the said Committee, on the 18th July, 1828, came to the following very just conclusions:

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1stly. "That the embarrassments and discontents that had long prevailed in the Canadas, had arisen from serious defects in the system of Laws, and the Constitutions established in those Colonies.

2ndly. "That these embarrassments were in a great measure to be attributed to the manner in which the existing system had been administered.

3dly. "That they had a complete conviction that neither the suggestions which they had made, nor any other improvements in the laws and constitutions of the Canadas, will be attended with the desired effect, unless an impartial, conciliating and constitutional system of government were observed in these royal and important Colonies."

8. Resolved, That since the period aforesaid, the constitution of this Province, with its serious defects, has continued to be administered in a manner calculated to multiply the embarrassments and discontents which have long prevailed; and that the recommendations of the Committee of the House of Commons have not been followed by effective measures of a nature to produce the desired effect.

9. Resolved, *That the most serious defect in the Constitutional Act—its radical fault—the most active principle of evil and discontent in the Province; the most powerful and most frequent cause of abuses of power; of infractions of the laws; of the waste of the public revenue and property, accompanied by impunity to the governing party, and the oppression and consequent resentment of the governed, is that injudicious enactment, the fatal results of which were foretold by the Honourable Charles James Fox at the time of its adoption, which invests the Crown with that exorbitant power, (incompatible with any government duly balanced and founded on law and justice, and not on force and coercion) of selecting and composing without any rule or limitation, or any predetermined qualification, an entire branch of the legislature, supposed from the nature of its attributions to be independent, but inevitably the servile tool of the authority which creates, composes and decomposes it, and can on any day modify it to suit the interests or the passions of the moment.*

10. Resolved, That with the permission of a power so unlimited, the abuse of it is inseparably connected; and that it has always been so exercised in the selection of the Members of the Legislative Council of this Province, as to favour the spirit of monopoly and despotism in the executive, judicial and administrative departments of government, and never in favour of the public interests.

11. Resolved, That the effectual remedy for this evil was judiciously foreseen and pointed out by the Committee of the House of Commons, who asked John Neilson, Esquire (one of the Agents who had carried to England the Petition of the 87,000 inhabitants of Lower Canada) whether he had turned in his mind any plan by which he conceived the Legislative Council might be better composed in Lower Canada; whether he thought it possible that the said body could command the confidence and respect of the people, or go in harmony with the House of Assembly, unless the principle of election were introduced into its

composition in some manner or other; and also, whether he thought that the Colony could have any security that the Legislative Council would be properly and independently composed, unless the principle of election were introduced into it in some manner or other; and received from the said John Neilson answers, in which (among other reflections) he said in substance, that there were two modes in which the composition of the Legislative Council might be bettered; the one by appointing men who were independent of the Executive, (but that to judge from experience there would be no security that this would be done), and that if this mode were found impracticable, the other would be to render the Legislative Council elective.

12. Resolved, That, judging from experience, this House likewise believes there would be no security in the first mentioned mode, the course of events having but too amply proved what was then foreseen; and that this House approves all the inferences drawn by the said John Neilson from experience and facts; but that with regard to his suggestion that a class of electors of a higher qualification should be established, or a qualification in property fixed for those persons who might sit in the Council, this House have, in their Address to His Most Gracious Majesty, dated the 20th March 1833, declared in what manner this principle could, in their opinion, be rendered tolerable in Canada, by restraining it within certain bounds, which should in no case be passed.

13. Resolved, That even in defining bounds of this nature, and requiring the possession of real property as a condition of eligibility to a Legislative Council, chosen by the people, which most wisely and happily has not been made a condition of eligibility to the House of Assembly, this House seems rather to have sought to avoid shocking received opinions in Europe, where custom and the law have given so many artificial privileges and advantages to birth and rank and fortune, than to consult the opinions generally received in America, where the influence of birth is nothing, and where, notwithstanding the importance which fortune must always naturally confer, the artificial introduction of great political privileges in favour of the possessors of large property, could not long resist the preference given at free elections to virtue, talents and information, which fortune does not exclude but can never purchase, and which may be the portion of honest, contented and devoted men, whom the people ought to have the power of calling and consecrating to the public service, in preference to richer men, of whom they may think less highly.

14. Resolved, *That this House is no wise disposed to admit the excellence of the present Constitution of Canada, although His Majesty's Secretary of State for the Colonies has unseasonably and erroneously asserted, that it has conferred on the two Canadas the institutions of Great Britain; nor to reject the principle of extending the system of frequent elections much further than it is at present carried; and this system ought especially to be extended to the Legislative Council, although it may be considered by the Colonial Secretary incompatible with the British Government, which he calls a Monarchical Government, or too analogous to the institutions which the several*

States, composing the industrious, moral and prosperous confederation of the United States of America, have adopted for themselves.

15. Resolved, That in a Despatch, of which the date is unknown, and of which a part only was communicated to this House by the Governor-in-Chief on the 14th January, 1834, His Majesty's Secretary of State for the Colonial Department (this House having no certain knowledge whether the said Despatch is from the present Colonial Secretary or from his predecessor) says, that an examination of the composition of the Legislative Council at *that* period (namely, at the time when its composition was so justly censured by a Committee of the House of Commons) and at the *present*, will sufficiently show in what spirit His Majesty's Government has endeavoured to carry the wishes of Parliament into effect.

16. Resolved, That this House receives with gratitude this assurance of the just and benevolent intentions, with which, in the performance of their duty, His Majesty's Ministers have endeavoured to give effect to the wishes of Parliament.

17. Resolved, That unhappily it was left to the principal Agent of His Majesty's Government in this Province to carry the wishes of the Imperial Parliament into effect; but that he has destroyed the hope which His Majesty's faithful subjects had conceived of seeing the Legislative Council reformed and ameliorated, and has confirmed them in the opinion that the only possible mode of giving to that body the weight and respectability which it ought to possess, is to introduce into it the principle of election.

18. Resolved, That the Legislative Council, strengthened by a majority inimical to the rights of this House and of the people whom it represents, has received new and more powerful means than it before possessed of perpetuating and of rendering more offensive and more hurtful to the country the system of abuses of which the people of this Province have up to this day ineffectually complained, and which up to this day Parliament and His Majesty's Government in England have ineffectually sought to correct.

19. Resolved, That since its pretended reform the Legislative Council has, in a manner more calculated to alarm the inhabitants of this Province, and more particularly in its address to His Majesty of the 1st of April, 1833, renewed its pretension of being specially appointed to protect one class of His Majesty's subjects in this Province, as supposing them to have interests which could not be sufficiently represented in the Assembly, seven-eighths of the Members of which are by the said Council most erroneously stated to be of French origin and speak the French language: that this pretension is a violation of the constitution, and is of a nature to excite and perpetuate among the several classes of the inhabitants of this Province mutual distrust and national distinctions and animosities, and to give one portion of the people an unjust and factious superiority over the other, and the hope of domination and undue preference.

20. Resolved, That by such claim the Legislative Council, after a reform which was held up as one adapted to unite it more closely with the interests of the Colony in conformity with the wishes of Parliament,

calls down, as one of its first acts, the prejudices and severity of His Majesty's Government upon the people of this Province, and upon the representative branch of the Legislature thereof; and that by this conduct the Legislative Council has destroyed amongst the people all hope which was left them of seeing the said Council, so long as it shall remain constituted as it now is, act in harmony with the House of Assembly.

21. Resolved, That the Legislative Council of this Province has never been any thing else but an impotent screen between the Governor and the people, which *by enabling the one to maintain a conflict with the other*, has served to perpetuate a system of discord and contention; that it has unceasingly acted with avowed hostility to the sentiments of the people as constitutionally expressed by the House of Assembly; that it is not right under the name of a Legislative Council to impose an aristocracy on a country which contains no natural materials for the composition of such a body; that *the Parliament of the United Kingdom in granting to His Majesty's Canadian subjects the power of revising the constitution* under which they hold their dearest rights, would adopt a liberal policy, free from all considerations of former interests and of existing prejudices; and that by this measure, equally consistent with a wise and sound policy, and with the most liberal and extended views, the Parliament of the United Kingdom would enter into a noble rivalry with the United States of America, would prevent His Majesty's subjects from seeing any thing to envy *there*; and would preserve a friendly intercourse between Great Britain and this Province, as her Colony so long as the tie between us shall continue, and *as her Ally whenever the course of events may change our relative position*.

22. Resolved, That this House so much the more confidently emits the opinions expressed in the preceding Resolution, because, if any faith is to be placed in the published reports, they were at no distant period emitted with other remarks in the same spirit, in the Commons House of the United Kingdom, by the Right Honourable Edward Geoffrey Stanley, now His Majesty's Principal Secretary of State for the Colonial Department, and by several other enlightened and distinguished Members, some of whom are among the number of His Majesty's present Ministers; and because the conduct of the Legislative Council since its pretended reform, demonstrates that the said opinions are in no wise rendered less applicable or less correct by its present composition.

23. Resolved, That the Legislative Council has at the present time less community of interest with the Province than at any former period; that its present composition, instead of being calculated to change the character of the body, to put an end to complaints, and to bring about that co-operation of the two Houses of the Legislature which is so necessary to the welfare of the Country, is such as to destroy all hope that the said Council will adopt the opinions and sentiments of the people of this Province, and of *this House* with regard to the inalienable right of the latter to the full and entire control of the whole revenue raised in the Province, with regard to the necessity under

which this House has found itself (for the purpose of effecting the reformation which it has so long and so vainly demanded of existing abuses) to provide for the expenses of the Civil Government by annual appropriations only, as well as with regard to a variety of other questions of public interest, concerning which the Executive Government, and the Legislative Council which it has selected and created, differ diametrically from the people of this Province and from this House.

24. Resolved, That such of the recently appointed Councillors as were taken from the majority of the Assembly, and had entertained the hope that a sufficient number of independent men, holding opinions in unison with those of the majority of the people and of their Representatives, would be associated with them, must now feel that they are overwhelmed by a majority hostile to the Country, and composed of men who have irretrievably lost the public confidence, by showing themselves the blind and passionate partisans of all abuses of power, by encouraging all the acts of violence committed under the administration of Lord Dalhousie, by having on all occasions outraged the representatives of the people of the Country; of men, unknown in the Country until within a few years, without landed property or having very little, most of whom have never been returned to the Assembly (some of them having even been refused by the people), and who have never given any proofs of their fitness for performing the functions of Legislators, but merely of their hatred to the Country; and who, by reason of their community of sentiment with him, have found themselves, by the partiality of the Governor-in-Chief, suddenly raised to a station in which they have the power of exerting during life an influence over the legislation and over the fate of this Province, the laws and institutions of which have ever been the objects of their dislike.

25. Resolved, That in manifest violation of the Constitution, there are among the persons last mentioned several who were born citizens of the United States, or are natives of other foreign countries, and who at the time of their appointment had not been naturalized by Acts of the British Parliament; that the residence of one of these persons (Horatio Gates) in this Country during the last war with the United States was only *tolerated*; he refused to take up arms for the defence of the Country in which he remained merely for the sake of lucre; and after these previous facts, took his seat in the Legislative Council on the 16th March, 1833; and fifteen days afterwards, to wit, on the 1st April, voted for the Address before mentioned, censuring those who during the last war were under arms on the frontiers to repulse the attacks of the American armies and of the fellow-citizens of the said Horatio Gates: that another (James Baxter) was resident during the said late war within the United States, and was bound by the laws of the country of his birth, under certain circumstances forcibly to invade this Province, to pursue, destroy, and capture, *if possible*, His Majesty's armies, and such of His Canadian subjects as were in arms upon the frontiers to repulse the attacks of the American armies, and of the said James Baxter, who (being at the said time but slightly qualified as far as property is concerned) became by the nomination of the Governor-in-Chief, a legislator for life in Lower Canada, on the 22nd of March,

1833; and eight days afterwards, on the 1st of April aforesaid, voted that very Address which contained the calumnious and insulting accusation which called for the expression of His Majesty's just regret, "that any word had been introduced which should have the appearance of ascribing to a class of his subjects of one origin, views at variance with the allegiance which they owe to His Majesty."

26. Resolved, That it was in the power of the present Governor-in-Chief, more than in that of any of his predecessors (by reason of the latitude allowed him as to the number and the selection of the persons whom he might nominate to be Members of the Legislative Council) to allay, for a time at least, the intestine divisions which rend this Colony, and to advance some steps towards the accomplishment of the wishes of Parliament, by inducing a community of interest between the said Council and the people, and by giving the former a more independent character by judicious nominations.

27. Resolved, That although sixteen persons have been nominated in less than two years by the present Governor to be Members of the said Council (a number greater than that afforded by any period of ten years under any other Administration), and notwithstanding the wishes of Parliament, and the instructions given by His Majesty's Government for the removal of the grievances of which the people had complained, the same malign influence which has been exerted to perpetuate in the country a system of irresponsibility in favour of public functionaries, has prevailed to such an extent as to render the majority of the Legislative Council more inimical to the country than at any former period; and that this fact confirms with irresistible force the justice of the censure passed by the Committee of the House of Commons on the constitution of the Legislative Council as it had theretofore existed, and the correctness of the opinion of those Members of the said Committee who thought that the said body could never command the respect of the people, nor be in harmony with the House of Assembly, unless the principle of election was introduced into it.

28. Resolved, *That even if the present Governor-in-Chief had, by making a most judicious selection, succeeded in quieting the alarm and allaying for a time the profound discontent which then prevailed, that form of government would not be less essentially vicious which makes the happiness or misery of a country depend on an Executive over which the people of that country have no influence, and which has no permanent interest in the country, or in common with its inhabitants; and that the extension of the elective principle is the only measure which appears to this House to afford any prospect of equal and sufficient protection in future to all the inhabitants of the Province without distinction.*

29. Resolved, That the accusations preferred against the House of Assembly by the Legislative Council, as recomposed by the present Governor-in-Chief, would be criminal and seditious, if their very nature did not render them harmless, since they go to assert, that if in its liberality and justice the Parliament of the United Kingdom had granted the earnest prayer of this House in behalf of the Province (and which this House at this solemn moment, after weighing the Dis-

patches of the Secretary of State for the Colonial Department, and on the eve of a general election, now repeats and renews), that the constitution of the Legislative Council may be altered by rendering it elective, the result of this act of justice and benevolence would have been to inundate the country with blood.

30. Resolved, That by the said Address to His Majesty, dated the 1st of April last, the Legislative Council charges this House with having calumniously accused the King's Representative of partiality and injustice in the exercise of the powers of his office, and with deliberately calumniating His Majesty's officers, both civil and military, as a faction induced by interest alone to contend for the support of a Government inimical to the rights and opposed to the wishes of the people: with reference to which this House declares that the accusations preferred by it have never been calumnious, but are true and well founded, and that a faithful picture of the Executive Government of this Province in all its parts is drawn by the Legislative Council in this passage of its Address.

31. Resolved, That if, as this House is fond of believing His Majesty's Government in England does not wish systematically to nourish civil discord in this Colony, the contradictory allegations thus made by the two Houses make it imperative on it to become better acquainted with the state of the Province than it now appears to be, if we judge from its long tolerance of the abuses which its agents commit with impunity; that it ought not to trust to the self-praise of those who have the management of the affairs of a colony, passing according to them into a state of anarchy; that it ought to be convinced that if its protection of public functionaries, accused by a competent authority (that is to say by this House, in the name of the people), could for a time, by force and intimidation, aggravate, in favour of those functionaries and against the rights and interests of the people, the system of insult and oppression which they impatiently bear, the result must be to weaken our confidence in, and our attachment to His Majesty's Government, and to give deep root to the discontent and insurmountable disgust which have been excited by administrations deplorably vicious, and which are now excited by the majority of the public functionaries of the Colony, combined as a faction, and induced by interest alone to contend for the support of a corrupt Government, inimical to the rights and opposed to the wishes of the people.

32. Resolved, That in addition to its wicked and calumnious Address of the 1st April, 1833, the Legislative Council, as recomposed by the present Governor-in-Chief, has proved how little community of interest it has with the Colony, by the fact that out of sixty-four Bills which were sent up to it, twenty-eight were rejected by it, or amended in a manner contrary to their spirit and essence; that the same unanimity which had attended the passing of the greater part of these Bills in the Assembly, accompanied their rejection by the Legislative Council, and that an opposition so violent shows clearly that the provincial executive and the council of its choice, in league together against the representative body, do not, or will not, consider it as the faithful interpreter and the equitable judge of the wants and wishes of the people, nor as fit to

propose laws conformable to the public will; and that under such circumstances it would have been the duty of the head of the executive to appeal to the people, by dissolving the Provincial Parliament, had there been any analogy between the institutions of Great Britain and those of this Province.

33. Resolved, That the Legislative Council, as recomposed by the present Governor-in-Chief, must be considered as embodying the sentiments of the Colonial Executive Government, and that from the moment it was so recomposed the two authorities seem to have bound and leagued themselves together for the purpose of proclaiming principles subversive of all harmony in the Province, and of governing and domineering in a spirit of blind and invidious national antipathy.

34. Resolved, That the Address voted unanimously on the 1st April 1833, by the Legislative Council, as recomposed by the present Governor-in-Chief, was concurred in by the Honourable the Chief Justice of the Province, Jonathan Sewell, to whom the Right Honourable Lord Viscount Goderich, in his Dispatch, communicated to the House on the 25th November 1831, recommended "*a cautious abstinence*" from all proceedings by which he might be involved in any contention of a party nature; by John Hale, the present Receiver-General, who, in violation of the laws, and of the trust reposed in him, and upon illegal warrants issued by the Governor, has paid away large sums of the public money, without any regard to the obedience which is always due to the law; by Sir John Caldwell, baronet, the late Receiver-General, a speculator, who has been condemned to pay nearly £100,000 to reimburse a like sum levied upon the people of this Province, and granted by law to His Majesty, his Heirs and successors, for the public use of the Province, and for the support of His Majesty's Government therein, and who has diverted the greater part of the said sum for the purposes to which it was destined, and appropriated it to his private use; by Mathew Bell, a grantee of the Crown, who has been unduly and illegally favoured by the executive, in the lease of the forges of St. Maurice, in the grant of large tracts of waste lands, and in the lease of large tracts of land formerly belonging to the order of Jesuits; by John Stewart, an executive Councillor, commissioner of the Jesuit's estates, and the incumbent of other lucrative offices: all of whom are placed by their pecuniary and personal interests, under the influence of the Executive; and by the Honourable George Moffatt, Peter McGill, John Molson, Horatio Gates, Robert Jones, and James Baxter, all of whom, as well as those before mentioned, were, with two exceptions, born out of the country, and all of whom, except one, who for a number of years was a member of the Assembly, and has extensive landed property, are but slightly qualified in *that* respect, and had not been sufficiently engaged in public life to afford a presumption that they were fit to perform the functions of legislators for life; and by Antoine Gaspard Couillard, the only native of the country, of French origin, who stooped to concur in the Address, and who also had never been engaged in public life, and is but very moderately qualified with respect to real property, and who, after his appointment to the Council,

and before the said 1st of April, rendered himself dependent on the Executive by soliciting a paltry and subordinate place of profit.

35. Resolved, That the said Address, voted by seven Councillors, under the influence of the present head of the Executive; and by five others of his appointment, (one only of the six others who voted it, the Hon. George Moffatt, having been appointed under his predecessor,) is the work of the present Administration of this Province, the expression of its sentiments, the key to its acts, and the proclamation of the iniquitous and arbitrary principles, which are to form its rule of conduct for the future.

36. Resolved, That the said Address is not less injurious to the small number of Members of the Legislative Council who are independent, and attached to the interests and honour of the country, who have been Members of the Assembly, and are known as having partaken its opinions and seconded its efforts, to obtain for it the entire control and disposal of the public revenue; as having approved the wholesome, constitutional, and not, as styled by the Council, the daring steps taken by this House of praying by address to His Majesty that the Legislative Council might be rendered elective; as condemning a scheme for the creation of an extensive monopoly of lands in favour of speculators residing out of the country; as believing that they could not have been appointed to the Council, with a view to increase the constitutional weight and efficacy of that body, in which they find themselves opposed to a majority hostile to their principles and their country; as believing that the interests and wishes of the people are faithfully represented by their representatives, and that the connexion between this country and the parent state, will be durable in proportion to the direct influence exercised by the people in the enactment of laws adapted to insure their welfare; and as being of opinion, that His Majesty's subjects recently settled in this country will share in all the advantages of the free institutions and of the improvements which would be rapidly developed, if, by means of the extension of the elective system, the administration were prevented from creating a monopoly of power and profit in favour of the minority who are of one origin, and to the prejudice of the majority who are of another, and from buying, corrupting and exciting a portion of this minority in such a manner as to give to all discussions of local interest the alarming character of strife and national antipathy; and that the independent Members of the Legislative Council, indubitably convinced of the tendency of that body, and undeceived as to the motives which led to their appointment as Members of it, now refrain from attending the sittings of the said Council, in which they despair of being able to effect any thing for the good of the country.

37. Resolved, *That the political world in Europe is at this moment agitated by two great parties, who in different countries appear under the several names of serviles, royalists, tories and conservatives on the one side, and of liberals, constitutionals, republicans, whigs, reformers, radicals and similar appellations on the other; that the former party is, on this continent, without any weight or influence except what it derives from its European supporters, and from a trifling number of*

persons who become their dependents for the sake of personal gain, and from others, who from age or habit cling to opinions which are not partaken by any numerous class ; while the second party overspreads all America. And that the Colonial Secretary is mistaken if he believes that the exclusion of a few salaried officers from the Legislative Council could suffice to make it harmonise with the wants, wishes and opinions of the people, as long as the Colonial Governors retain the power of preserving in it a majority of members rendered servile by their antipathy to every liberal idea.

38. Resolved, That this vicious system, which has been carefully maintained, has given to the Legislative Council a greater character of animosity to the country than it had at any former period, and is as contrary to the wishes of Parliament, as that which, in order to resist the wishes of the people of England for the Parliamentary Reform, should have called into the House of Lords a number of men notorious for their factious and violent opposition to that great measure.

39. Resolved, That the Legislative Council, representing merely the personal opinions of certain members of a body so strongly accused at a recent period by the people of this Province, and so justly censured by the Report of the Committee of the House of Commons, is not an authority competent to demand alterations in the constitutional Act of the 31st Geo. 3, c. 31, and that the said Act ought not to be and cannot be altered, except at such time and in such manner as may be wished by the people of this Province, whose sentiments this House is alone competent to represent ; that no interference on the part of the British Legislature with the laws and constitution of this Province, which should not be founded on the wishes of the people, freely expressed either through this House or in any other constitutional manner, could in anywise tend to settle any of the difficulties which exist in this Province, but, on the contrary, would only aggravate them and prolong their continuance.

40. Resolved, That this House expects from the justice of the Parliament of the United Kingdom, that no measure of the nature aforesaid, founded on the false representations of the Legislative Council and of the members and tools of the Colonial Administration, all interested in perpetuating existing abuses, will be adopted to the prejudice of the rights, liberties and welfare of the people of this Province ; but that on the contrary, the Imperial Legislature will comply with the wishes of the people and of this House, and will provide the most effectual remedy for all evils present and future, either by rendering the Legislative Council elective in the manner mentioned in the Address of this House to His most gracious Majesty, of the 20th March, 1833, or by enabling the people to express still more directly their opinions as to the measures to be adopted in that behalf, and with regard to such other modifications of the constitution as the wants of the people and the interest of His Majesty's Government in the Province may require ; and that this House perseveres in the said Address.

41. Resolved, That His Majesty's Secretary of State for the Colonial

Department has acknowledged in his Despatches, that it has frequently been admitted that the people of Canada ought to see nothing in the institutions of the neighbouring States which they could regard with envy, and that he has yet to learn that any such feeling now exists among His Majesty's subjects in Canada; to which this House answers, that the neighbouring States have a form of government very fit to prevent abuses of power, and very effective in repressing them; that the reverse of this order of things has always prevailed in Canada under the present form of Government; that there exists in the neighbouring States a stronger and more general attachment to the national institutions than in any other country, and that there exists also in those States a guarantee for the progressive advance of their political institutions towards perfection, in the revision of the same at short and determinate intervals, by conventions of the people, in order that they may without any shock or violence be adapted to the actual state of things.

42. Resolved, That it was in consequence of a correct idea of the state of the country and of society generally in America, that the Committee of the House of Commons asked, whether there was not in the two Canadas a growing inclination to see the institutions become more and more popular, and in that respect more and more like those of the United States; and that John Neilson, esquire, one of the agents sent from this country, answered, that the fondness for popular institutions had made great progress in the two Canadas; and that the same agent was asked, whether he did not think that it would be wise that the object of every change made in the institutions of the Province should be to comply more and more with the wishes of the people, and to render the said institutions extremely popular: to which question this House for and in the name of the people whom it represents, answers, solemnly and deliberately, "Yes, it would be wise; it would be excellent."

43. Resolved, That the constitution and form of government which would best suit this Colony are not to be sought solely in the analogies offered by the institutions of Great Britain, where the state of society is altogether different from our own; and that it would be wise to turn to profit by the information to be gained by observing the effects produced by the different and infinitely varied constitutions which the Kings and Parliament of England have granted to the several Plantations and Colonies in America, and by studying the way in which virtuous and enlightened men have modified such Colonial Institutions when it could be done with the assent of the parties interested.

44. Resolved, That the unanimous consent with which all the American States have adopted and extended the elective system, shows that it is adapted to the wishes, manners and social state of the inhabitants of this Continent; that this system prevails equally among those of British and those of Spanish origin, although the latter, during the continuance of their colonial state had been under the calamitous yoke of ignorance and absolutism; and that we do not hesitate to ask from a Prince of the House of Brunswick, and a reformed Parliament, all the freedom and political powers which the Princes of the House of

Stuart and their Parliaments granted to the most favoured of the Plantations formed at a period when such grants must have been less favourably regarded than they would now be.

45. Resolved, That it was not the best and most free systems of Colonial Government which tended most to hasten the independence of the old English Colonies; since the Province of New York in which the institutions were most monarchical in the sense which that word appears to bear in the Despatch of the Colonial Secretary, was the first to refuse obedience to an Act of the Parliament of Great Britain; and that the Colonies of Connecticut and Rhode Island, which though closely and affectionately connected with the Mother Country for a long course of years, enjoyed constitutions purely democratic, were the last to enter into a confederation rendered necessary by the conduct of bad servants of the Crown, who called in the supreme authority of the Parliament, and the British Constitution to aid them to govern arbitrarily, listening rather to the Governors and their advisers than to the people and their Representatives, and shielding with their protection those who consumed the taxes rather than those who paid them.

46. Resolved, That with a view to the introduction of whatever the institutions of the neighbouring States offered that was good and applicable to the state of the Province, this House had among other measures passed, during many years, a Bill founded on the principle of proportioning arithmetically the number of Representatives to the population of each place represented; and that if by the pressure of circumstances and the urgent necessity which existed that the number of Representatives should be increased, it has been compelled to assent to amendments which violate that principle, by giving to several counties, containing a population of little more than 4,000 souls, the same number of Representatives as to several others of which the population is five times as great, this disproportion is in the opinion of this House an act of injustice, for which it ought to seek a remedy: and that in new countries where the population increases rapidly, and tends to create new settlements, it is wise and equitable that by a frequent and periodical census, such increase and the manner in which it is distributed, should be ascertained, principally for the purpose of settling the representation of the Province on an equitable basis.

47. Resolved, That the fidelity of the people and the protection of the Government, are co-relative obligations, of which the one cannot long subsist without the other; that by reason of the defects which exist in the laws and constitution of this Province, and of the manner in which those laws and that constitution have been administered, the people of this Province are not sufficiently protected in their lives, their property and their honour; and that the long series of acts of injustice and oppression, of which they have to complain, have increased with alarming rapidity in violence and in number under the present administration.

48. Resolved, That in the midst of these disorders and sufferings, this House and the people whom it represents, had always cherished the hope and expressed their faith that His Majesty's Government in England did not knowingly and wilfully participate in the political

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immorality of its colonial agents and officers; and that it is with astonishment and grief that they have seen in the extract from the Despatches of the Colonial Secretary, communicated to this House by the Governor-in-Chief during the present Session, that one at least of the Members of His Majesty's Government entertains towards them feelings of prejudice and animosity, and inclines to favour plans of oppression and revenge, ill adapted to change a system of abuses, the continuance of which would altogether discourage the people, extinguish in them the legitimate hope of happiness which, as British subjects, they entertained, and would leave them only the hard alternative of submitting to an ignominious bondage, or of seeing those ties endangered which unite them to the Mother Country.

49. Resolved, That this House and the people whom it represents do not wish or intend to convey any threat; but that, relying as they do upon the principles of law and justice, they are and ought to be politically strong enough not to be exposed to receive insult from any man whomsoever, or bound to suffer it in silence; that the style of the said Extracts from the Despatches of the Colonial Secretary, as communicated to this House, is insulting and inconsiderate to such a degree that no legally constituted body, although its functions were infinitely subordinate to those of legislation, could or ought to tolerate them; that no similar example can be found even in the Despatches of those of his predecessors in office least favourable to the rights of the Colonies; that the tenor of the said Despatches is incompatible with the rights and privileges of this House, which ought not to be called in question or defined by the Colonial Secretary, but which, as occasion may require, will be successively promulgated and enforced by this House.

50. Resolved, That with regard to the following expressions in one of the said Despatches, "should events unhappily force upon Parliament the exercise of its supreme authority to compose the internal dissension of the Colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament such modifications of the Charter of the Canadas as should tend, not to the introduction of institutions consistent with monarchical government, but to maintaining and strengthening the connection with the Mother Country, by a close adherence to the spirit of the British constitution, and by preserving in their proper place and within their due limits the mutual rights and privileges of all classes of His Majesty's subjects;"—if they are to be understood as containing a threat to introduce into the constitution any other modifications than such as are asked for by the majority of the people of this Province, whose sentiments cannot be legitimately expressed by any other authority than its Representatives, this House would esteem itself wanting in candour to the people of England, if it hesitated to call their attention to the fact, that in less than twenty years the population of the United States of America will be as great or greater than that of Great Britain, and that of British America will be as great or greater than that of the former English Colonies was when the latter deemed that the time was come to decide that the inappreciable advantage of governing themselves instead of being governed, ought to

engage them to repudiate a system of Colonial Government which was, generally speaking, much better than that of British America now is.

51. Resolved, That the approbation expressed by the Colonial Secretary in his said Despatch of the present composition of the Legislative Council, whose acts since its pretended reform have been marked by party spirit and by invidious national distinctions and preferences, is a subject of just alarm to His Majesty's Canadian subjects in general, and more particularly to the great majority of them, who have not yielded at any time to any other class of the inhabitants of this Province in their attachment to His Majesty's Government, in their love of peace and order, in respect for the laws, and in their wish to effect that union among the whole people which is so much to be desired, to the end that all may enjoy freely and equally the rights and advantages of British subjects, and of the institutions which have been guaranteed to and are dear to the country; that the distinctions and preferences aforesaid have almost constantly been used and taken advantage of by the Colonial Administration of this Province, and the majority of the Legislative Councillors, Executive Councillors, Judges, and other functionaries dependant upon it; and that nothing but the spirit of the union among the several classes of the people, and their conviction that their interests are the same, could have prevented collisions incompatible with the prosperity and safety of the Province.

52. Resolved, That since a circumstance, which did not depend upon the choice of the majority of the people, their French origin and their use of the French language, has been made by the colonial authorities a pretext for abuse, for exclusion, for political inferiority, for a separation of rights and interests; this House now appeals to the justice of His Majesty's Government and of Parliament, and to the honour of the people of England; that the majority of the inhabitants of this country are in nowise disposed to repudiate any one of the advantages they derive from their origin and from their descent from the French nation, which, with regard to the progress of which it has been the cause in civilization, in the sciences, in letters, and in the arts, has never been behind the British nation, and is now the worthy rival of the latter in the advancement of the cause of liberty and of the science of Government; from which this country derives the greater portion of its civil and ecclesiastical law, and of its scholastic and charitable institutions, and of the religion, language, habits, manners and customs of the great majority of its inhabitants.

53. Resolved, That our fellow-subjects of British origin, in this Province, came to settle themselves in a country, "the inhabitants whereof, professing the religion of the Church of Rome, enjoyed an established form of constitution and system of laws, by which their persons and their property had been protected, governed and ordered, during a long series of years, from the first establishment of the Province of Canada;" that, prompted by these considerations and guided by the rules of justice and of the law of nations, the British Parliament enacted that, "in all matters of controversy, relative to property and civil rights, resort should be had to the laws of Canada;" that when

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Parliament afterwards departed from the principle thus recognised, firstly, by the introduction of the English criminal law, and afterwards by that of the representative system, with all the constitution and parliamentary law necessary to its perfect action, it did so in conformity to the sufficiently expressed wish of the Canadian people; and that every attempt on the part of public functionaries or of other persons (who on coming to settle in the Province, made their condition their own voluntary act) against the existence of any portion of the laws and institutions peculiar to the country, and any preponderance given to such persons in the Legislative and Executive Councils, in the courts of law, or in other departments, are contrary to the engagements of the British Parliament, and to the rights guaranteed to His Majesty's Canadian subjects, on the faith of the national honour of England and on that of capitulations and treaties.

54. Resolved, That any combination, whether effected by means of Acts of the British Parliament, obtained in contravention to its former engagements, or by means of the partial and corrupt administration of the present constitution and system of law, would be a violation of those rights, and would, as long as it should exist, be obeyed by the people, from motives of fear and constraint, and not from choice and affection; that the conduct of the Colonial Administrations and of their agents and instruments in this colony, has for the most part been of a nature unjustly to create apprehensions as to the views of the people and government of the mother country, and to endanger the confidence and content of the inhabitants of this Province, which can only be secured by equal laws, and by the observance of equal justice, as the rule of conduct in all the departments of the government.

55. Resolved, That whether the number of that class of His Majesty's subjects in this Province, who are of British origin, be that mentioned in the said address of the Legislative Council, or whether (as the truth is) it amounts to less than half that number, the wishes and interests of the great majority of them are common to them and to their fellow-subjects of French origin, and speaking the French language; that the one class love the country of their birth, the other that of their adoption; that the greater portion of the latter have acknowledged the generally beneficial tendency of the laws and institutions of the country, and have laboured in concert with the former to introduce into them gradually, and by the authority of the Provincial Parliament, the improvements of which they have, from time to time, appeared susceptible, and have resisted the confusion which it has been endeavoured to introduce into them in favour of schemes of monopoly and abuse, and that all without distinction wish anxiously for an impartial and protecting Government.

56. Resolved, That in addition to administrative and judicial abuses which have had an injurious effect upon the public welfare and confidence, attempts have been made, from time to time, to induce the Parliament of the United Kingdom, by deceiving its justice and abusing its benevolent intentions, to adopt measures calculated to bring about combinations of the nature above-mentioned, and to pass Acts of internal Legislation for his Province, having the same ten-

dency, and with regard to which the people of the country had not been consulted; that unhappily the attempts to obtain the passing of some of these measures were successful, especially that of the Act of the 6 Geo. 4, c. 59, commonly called the "Tenures Act," the repeal of which was unanimously demanded by all classes of the people, without distinction, through their representatives, a very short time after the number of the latter was increased; and that this House has not yet been able to obtain from His Majesty's Representative in this Province, or from any other source, any information as to the views of His Majesty's Government in England with regard to the repeal of the said Act.

57. Resolved, That the object of the said Act was, according to the benevolent intentions of Parliament, and as the title of the Act sets forth, the extinction of feudal and seigniorial rights and dues on lands held *en fief* and *à cens* in this Province, with the intention of favouring the great body of the inhabitants of the country, and protecting them against the said dues which were regarded as burdensome; but that the provisions of the said Act, far from having the effect aforesaid, afford facilities to seigniors to become, in opposition to the interests of their *censitaires*, the absolute proprietors of the extensive tracts of unconceded lands which by the law of the country they held only for the benefit of the inhabitants thereof, to whom they were bound to concede them in consideration of certain limited dues; that the said Act, if generally acted upon, would shut out the mass of the permanent inhabitants of the country from the vacant lands in the seigniories, while at the same time they have been constantly prevented from settling on the waste lands of the Crown on easy and liberal terms, and under a tenure adapted to the laws of the country, by the partial, secret, and vicious manner in which the Crown Land department has been managed, and the provisions of the Act aforesaid, with regard to the laws applicable to the lands in question; and that the application made by certain seigniors for a change of tenure, under the authority of the said Act, appear to prove the correctness of the view this House has taken of its practical effect.

58. Resolved, That it was only in consequence of an erroneous supposition that feudal charges were inherent in the law of this country, as far as the possession and transmission of real property and the tenures recognized by that law were concerned, that it was enacted in the said Act that the lands with regard to which a change of tenure should be effected, should thereafter be held under the tenure of free and common soccage; that the seigniorial charges have been found burdensome in certain cases, chiefly by reason of the want of adequate means of obtaining the interference of the Colonial Government and of the courts of law, to enforce the ancient law of the country in that behalf, and that the Provincial Legislature was, moreover, fully competent to pass laws providing for the redemption of the said charges in a manner which should be in accordance with the interests of all parties, and for the introduction of the free tenures recognized by the laws of the country: that the House of Assembly has been repeatedly occupied, and now is occupied about this important subject; but that the said Tenures Act, insufficient of itself to effect equitably the purpose for which it was

passed, is of a nature to embarrass and create obstacles to the effectual measures which the Legislature of the country, with a full knowledge of the subject, might be disposed to adopt; and that the application thus made (to the exclusion of the Provincial Legislature) to the Parliament of the United Kingdom, which was far less competent to make equitable enactments on a subject so complicated in its nature, could only have been made with a view to unlawful speculations and the subversion of the laws of the country.

59. Resolved, That independently of its many other serious imperfections, the said Act does not appear to have been founded on a sufficient knowledge of the laws which govern persons and property in this country, when it declares the laws of Great Britain to be applicable to certain incidents to real property therein enumerated; and that it has only served to augment the confusion and doubt which had prevailed in the courts of law, and in private transactions with regard to the law which applied to lands previously granted in free and common soccage.

60. Resolved, That the provision of the said Act which has excited the greatest alarm, and which is most at variance with the rights of the people of the country, and with those of the Provincial Parliament, is that which enacts that lands previously held *en fief* or *en censine* shall, after a change of tenure shall have been effected with regard to them, be held in free and common soccage, and thereby become subject to the laws of Great Britain, under the several circumstances therein mentioned and enumerated; that besides being insufficient in itself, this provision is of a nature to bring into collision, in the old settlements, at multiplied points of contiguity, two opposite systems of laws, one of which is entirely unknown to this country, in which it is impossible to carry it into effect; that from the feeling manifested by the colonial authorities and their partisans towards the inhabitants of the country, the latter have just reason to fear that the enactment in question is only the prelude to the final subversion, by Acts of Parliament of Great Britain, fraudulently obtained in violation of its former engagements, of the system of laws by which the persons and property of the people of this Province were so long happily governed.

61. Resolved, That the inhabitants of this country have just reason to fear that the claims made to the property of the seminary of St. Sulpice, at Montreal, are attributable to the desire of the colonial administration, and its agents and tools, to hasten this deplorable state of things; and that His Majesty's Government in England would, by reassuring His faithful subjects on this point, dissipate the alarm felt by the clergy, and by the whole people without distinction, and merit their sincere gratitude.

62. Resolved, *That it is the duty of this House to persist in asking for the absolute repeal of the said Tenures Act, and until such repeal shall be effected, to propose to the other branches of the Provincial Parliament such measures as may be adapted to weaken the pernicious effects of the said Act.*

63. Resolved, That this House has learned with regret, from one of the said despatches of the Colonial Secretary, that His Majesty has

been advised to interfere in a matter which concerns the privileges of this House; that in the case there alluded to, this House exercised a privilege solemnly established by the House of Commons, before the principle on which it rests became the law of the land; that this privilege is essential to the independence of this House, and to the freedom of its votes and proceedings; that the resolutions passed by this House, on the 15th of February, 1831, are constitutional and well-founded, and are supported by the example of the Commons of Great Britain; that this House has repeatedly passed bills for giving effect to the said principle, but that these bills failed to become law, at first from the obstacles opposed to them in another branch of the Provincial Legislature, and subsequently by reason of the reservation of the last of the said bills for the signification of His Majesty's pleasure in England, whence it has not yet been sent back; that until some bill to the same effect shall become law, this House persists in the said resolutions; and that the refusal of his Excellency, the present Governor-in-Chief, to sign a writ for the election of a knight representative for the county of Montreal, in the place of Dominique Mondelet, Esq., whose seat had been declared vacant, is a grievance of which this House is entitled to obtain the redress, and one which would alone have sufficed to put an end to all intercourse between it and the Colonial Executive, if the circumstances of the country had not offered an infinite number of other abuses and grievances against which it is urgently necessary to remonstrate.

64. Resolved, *That the claims which have for many years been set up by the Executive Government to that control over and power of appropriating a great portion of the revenues levied in this Province, which belong of right to this House, are contrary to the rights and to the constitution of the country; and that with regard to the said claims, this House persists in the declarations it has heretofore made.*

65. Resolved, *That the said claims of the Executive have been vague and varying; that the documents relative to the said claims, and the accounts and estimates of expenses laid before this House, have likewise been varying and irregular, and insufficient to enable this House to proceed with a full understanding of the subject on the matters to which they related; that important heads of the public revenue of the Province, collected either under the provisions of the law or under arbitrary regulations, made by the Executive, have been omitted in the said accounts; that numerous items have been paid out of the public revenue without the authority of this House, or any acknowledgment of its control over them, as salaries for sinecure offices, which are not recognized by this House, and even for other objects for which, after mature deliberation, it had not deemed it expedient to appropriate any portion of the public Revenue; and that no accounts of the sums so expended have been laid before this House.*

66. Resolved, *That the Executive Government has endeavoured by means of the arbitrary regulations aforesaid, and particularly by the sale of the waste lands of the Crown, and of the timber on the same, to create for itself out of the Revenue which this House only has the right of appropriating, resources independent of the control of the*

representatives of the people ; and that the result has been a diminution of the wholesome influence which the people have constitutionally the right of exercising over the administrative branch of the Government, and over the spirit and tendency of its measures.

67. Resolved, That this House having, from time to time, with a view to proceed by bill, to restore regularity to the financial system of the Province, and to provide for the expenses of the administration of justice and of His Majesty's Civil Government therein, asked the Provincial Government by address for divers documents and accounts relating to financial matters, and to abuses connected with them, has met with repeated refusals, more especially during the present session and the preceding one ; that divers subordinate public functionaries, summoned to appear before committees of this House to give information on the said subject, have refused to do so in pursuance of the said claim set up by the Provincial Administrations to withdraw a large portion of the public income and expenditure from the control and even from the knowledge of this House ; that during the present session one of the said subordinate functionaries of the Executive being called upon to produce the originals of sundry registers of warrants and reports, which it was important to this House to cause to be examined, insisted on being present at the deliberations of the committee appointed by the House for that purpose ; and that the head of the administration being informed of the fact, refrained from interfering, although in conformity to Parliamentary usage, this House had pledged itself that the said documents should be returned, and although the Governor-in-Chief had himself promised communication of them.

68. Resolved, That the result of the secret and unlawful distribution of a large portion of the public revenue of the Province has been, that the Executive Government has always, except with regard to appropriations for objects of a local nature, considered itself bound to account for the public money to the Lords Commissioners of the Treasury in England, and not to this House, nor according to its votes, or even in conformity to the laws passed by the Provincial Legislature ; and that the accounts and statements laid before this House from time to time have never assumed the shape of a regular system of balanced accounts, but have been drawn up, one after another, with such alterations and irregularities as it pleased the Administration of the day to introduce into them, from the accounts kept with the Lords of the Treasury, in which the whole public money received was included, as well as all the items of expenditure, whether authorized or unauthorized by the Provincial Legislature.

69. Resolved, That the pretensions and abuses aforesaid have taken away from this House even the shadow of control over the public revenue of the Province, and have rendered it impossible for it to ascertain at any time the amount of revenue collected, the disposable amount of the same, and the sums required for the public service ; and that the House having during many years passed Bills, of which the models are to be found in the Statute-book of Great Britain, to establish a regular system of accountability and responsibility in the department connected with the receipt and expenditure of the revenue ; these Bills have failed in the Legislative Council.

70. Resolved, That since the last session of the Provincial Parliament, the Governor-in-Chief of this Province, and the members of his Executive Government, relying on the pretensions above-mentioned, have, without any lawful authority, paid large sums out of the public revenue, subject to the control of this House; and that the said sums were divided according to their pleasure, and even in contradiction to the votes of this House, as incorporated in the Supply Bill passed by it during the last session, and rejected by the Legislative Council.

71. Resolved, That this House will hold responsible for all monies which have been, or may hereafter be paid, otherwise than under the authority of an Act of the Legislature, or upon an Address of this House, out of the public revenue of the Province, all those who may have authorized such payments, or participated therein, until the said sums shall have been reimbursed, or a bill or bills of indemnity freely passed by this House shall have become law.

72. Resolved, That the course adopted by this House in the Supply Bill, passed during the last session, of attaching certain conditions to certain votes, for the purpose of preventing the accumulation of incompatible offices in the same persons, and of obtaining the redress of certain abuses and grievances, is wise and constitutional, and has frequently been adopted by the House of Commons, under analogous circumstances; and that if the Commons of England do not now so frequently recur to it, it is because they have happily obtained the entire control of the revenue of the nation, and because the respect shewn to their opinions with regard to the redress of grievances and abuses, by the other constituted authorities, has regulated the working of the constitution in a manner equally adapted to give stability to His Majesty's Government, and to protect the interests of the people.

73. Resolved, That it was anciently the practice of the House of Commons to withhold supplies until grievances were redressed; and that in following this course in the present conjuncture, we are warranted in our proceeding, as well by the most approved precedents, as by the spirit of the constitution itself.

74. Resolved, That if hereafter, when the redress of all grievances and abuses shall have been effected, this House should deem it fit and expedient to grant supplies, it ought not to do so otherwise than in the manner mentioned in its fifth and sixth Resolutions of the 16th March, 1833, and by appropriating by its votes in an especial manner, and in the order in which they are enumerated in the said resolutions, the full amount of those heads of revenue, to the right of appropriating which claims have been set up by the Executive Government.

75. Resolved, That the number of the inhabitants of the country being about 600,000, those of French origin are about 525,000, and those of British or other origin 75,000; and that the establishment of the Civil Government of Lower Canada for the year 1832, according to the Yearly Returns made by the Provincial Administration, for the information of the British Parliament, contained the names of 157 officers and others receiving salaries, who are apparently of British or foreign origin, and the names of 47 who are apparently natives of the country, of French origin: that this statement does not exhibit the

whole disproportion which exists in the distribution of the public money and power, the latter class being for the most part appointed to the inferior and less lucrative offices, and most frequently only obtaining even these by becoming the dependents of those who hold the higher and more lucrative offices; that the accumulation of many of the best paid and most influential, and at the same time incompatible offices, in the same person, which is forbidden by the laws and by sound policy, exists especially for the benefit of the former class; and that two-thirds of the persons included in the last commission of the peace issued in the Province are apparently of British or foreign origin, and one-third only of French origin.

76. Resolved, That this partial and abusive practice of bestowing the great majority of official places in the Province on those only who are least connected with its permanent interests, and with the mass of its inhabitants, had been most especially remarkable in the judicial department, the judges for the three great districts having, with the exception of one only in each, been systematically chosen from that class of persons, who, being born out of the country, are the least versed in its laws, and in the language and usages of the majority of its inhabitants; that the result of their intermeddling in the politics of the country, of their connection with the Members of the Colonial Administration, and of their prejudices in favour of institutions foreign to and at variance with those of the country, is that the majority of the said judges have introduced great irregularity into the general system of our jurisprudence, by neglecting to ground their decisions on its recognised principles; and that the claim laid by the said judges to the power of regulating the forms of legal proceedings in a manner contrary to the laws, and without the interference of the Legislature, has frequently been extended to the fundamental rules of the law and of practice; and that in consequence of the same system, the administration of the criminal law is partial and uncertain, and such as to afford but little protection to the subject, and has failed to inspire that confidence which ought to be its inseparable companion.

77. Resolved, That in consequence of their connection with the members of the Provincial Administrations, and of their antipathy to the country, some of the said judges have, in violation of the laws, attempted to abolish the use in the court of law of the language spoken by the majority of the inhabitants of the country, which is necessary to the free action of the laws, and forms a portion of the usages guaranteed to them in the most solemn manner by the law of nations and by the statutes of the British Parliament.

78. Resolved, That some of the said judges, through partiality for political purposes, and in violation of the criminal law of England as established in this country, of their duty, and their oath, have conspired with divers law officers of the Crown, acting in the interest of the Provincial Administration, to allow the latter to engross and monopolize all criminal prosecutions of what nature soever, without allowing the private prosecutor to intervene or be heard, or any advocate to express his opinion *amicus curiæ*, when the Crown officers opposed it;

that in consequence of this, numerous prosecutions of a political nature have been brought into the courts of law by the Crown officers against those whose opinions were unfavourable to the Administration for the time being; while it was impossible for the very numerous class of His Majesty's subjects to which the latter belonged to commence with the slightest confidence any prosecution against those who, being protected by the Administration, and having countenanced its acts of violence, had been guilty of crimes or misdemeanours; that the tribunals aforesaid have, as far as the persons composing them are concerned, undergone no modification whatever, and inspire the same fears for the future.

79. Resolved, That this House, as representing the people of this Province, possesses of right, and has exercised within this Province when occasion has required it, all the powers, privileges and immunities claimed and possessed by the Commons House of Parliament in the kingdom of Great Britain and Ireland.

80. Resolved, That it is one of the undoubted privileges of this House to send for all persons, papers, and records, and to command the attendance of all persons, civil or military, resident within the Province, as witnesses in all investigations which this House may deem it expedient to institute; and to require such witnesses to produce all papers and records in their keeping, whenever it shall deem it conducive to the public good to do so.

81. Resolved, That as at the grand inquest of the Province, it is the duty of this House to inquire concerning all grievances, and all circumstances which may endanger the general welfare of the inhabitants of the Province, or be of a nature to excite alarm in them with regard to their lives, their liberty, and their property, to the end that such representations may be made to our Most Gracious Sovereign, or such legislative measures introduced, as may lead to the redress of such grievances, or tend to allay such alarm; and that far from having a right to impede the exercise of these rights and privileges, the Governor-in-Chief is deputed by his Sovereign, is invested with great powers, and receives a large salary, as much for defending the rights of the subject and facilitating the exercise of the privileges of this House, and of all constituted bodies, as for maintaining the prerogatives of the Crown.

82. Resolved, That since the commencement of the present session, a great number of petitions relating to the infinite variety of objects connected with the public welfare, have been presented to this House, and many messages and important communications received by it, both from His Majesty's Government in England and from His Majesty's Provincial Government; that many bills have been introduced in this House, and many important inquiries ordered by it, in several of which the Governor-in-Chief is personally and deeply implicated; that the said petitions from our constituents, the people of all parts of this Province; the said communications from His Majesty's Government in England and from the Provincial Government; the said bills already introduced or in preparation; the said inquiries commenced and intended to be diligently prosecuted, may and must necessitate the pre-

sence of numerous witnesses, the production of numerous papers, the employment of numerous clerks, messengers and assistants, and much printing, and lead to inevitable and daily disbursements, forming the contingent expenses of this House.

83. Resolved, That from the year 1792 to the present, advances had constantly been made to meet these expenses, on addresses similar to that presented this year by this House to the Governor-in-Chief, according to the practice adopted by the House of Commons; that an address of this kind is the most solemn vote of credit which this House can pass, and that almost the whole amount of the sum exceeding £277,000 has been advanced on such votes by the predecessors of his Excellency the Governor-in-Chief, and by himself (as he acknowledges by his message on the 18th January 1834), without any risk having ever been incurred by any other Governor on account of any such advance, although several of them have had differences, attended by violence and injustice on *their* part, with the House of Assembly, and without their apprehending that the then next Parliament would not be disposed to make good the engagements of the House of Assembly for the time being; and that this refusal of the Governor-in-Chief, in the present instance, essentially impedes the despatch of the business for which the Parliament was called together, is derogatory to the rights and honour of this House, and forms another grievance for which the present administration of this Province is responsible.

84. Resolved, That besides the grievances and abuses before mentioned, there exist in this Province a great number of others (a part of which existed before the commencement of the present administration, which has maintained them, and is the author of a portion of them), with regard to which this House reserves to itself the right of complaining and demanding reparation, and the number of which is too great to allow of there being enumerated here: that this House points out, as among that number,

1stly. The vicious composition and the irresponsibility of the Executive Council, the members of which are at the same time judges of the Court of Appeals, and the secrecy with which not only the functions, but even the names of the members of that body have been kept from the knowledge of this House, when inquiries have been instituted by it on the subject.

2ndly. The exorbitant fees illegally exacted in certain of the public offices, and in others connected with the judicial department, under regulations made by the Executive Council, by the judges, and by other functionaries usurping the powers of the legislature.

3rdly. The practice of illegally calling upon the judges to give their opinions secretly on questions which may be afterwards publicly and contradictorily argued before them; and the opinions themselves so given by the said judges, as political partizans, in opposition to the laws, but in favour of the administration for the time being.

4thly. The cumulation of public places and offices in the same persons, and the efforts made by a number of families connected with the administration to perpetuate this state of things for their own advantage, and for the sake of domineering for ever, with interested views and in the spirit of party, over the people and their representatives.

5thly. The intermeddling of members of the Legislative Councils in the elections of the representatives of the people, for the purpose of influenc-

ing and controlling them by force, and the selection frequently made of returning officers for the purpose of securing the same partial and corrupt ends; the interference of the present Governor-in-Chief himself in the said elections; his approval of the intermeddling of the said legislative councillors in the said elections; the partiality with which he intervened in the judicial proceedings connected with the said elections, for the purpose of influencing the said proceeding, in a manner favourable to the military power and contrary to the independence of the judicial power; and the applause which, as commander of the forces, he bestowed upon the sanguinary execution of the citizens by the soldiery.

6thly. The interference of the armed military force at such elections, through which three peaceable citizens, whose exertions were necessary to the support of their families, and who were strangers to the agitation of the election, were shot dead in the streets; the applause bestowed by the Governor-in-Chief and Commander of the Forces on the authors of this sanguinary military execution (who had not been acquitted by a petty jury), for the firmness and discipline displayed by them on that occasion.

7thly. The various faulty and partial systems which have been followed ever since the passing of the Constitutional Act, with regard to the management of the waste lands in this Province, and have rendered it impossible for the great majority of the people of the country to settle on the said lands; the fraudulent and illegal manner in which, contrary to His Majesty's instructions, Governors, Legislative and Executive Councillors, Judges, and subordinate officers have appropriated to themselves large tracts of the said lands; the monopoly of an extensive portion of the said lands in the hands of speculators residing in England, with which the Province is now threatened; and the alarm generally felt therein with regard to the alleged participation of His Majesty's Government in this scheme, without its having deigned to re-assure his faithful subjects on this head, or to reply to the humble address to His Majesty adopted by this House during the last session.

8thly. The increase of the expenses of the Government without the authority of the Legislature, and the disproportion of the salaries paid to public functionaries to the services performed by them, to the rent of real property, and to the ordinary income commanded by the exertions of persons possessing talent, industry, and economy, equal to or greater than those of the said functionaries.

9thly. The want of all recourse in the Courts of Law on the part of those who have just and legal claims on the Government.

10thly. The too frequent reservation of Bills for the signification of His Majesty's pleasure, and the neglect of the Colonial Office to consider such Bills, a great number of which have never been sent back to the Province, and some of which have even been returned so late that doubts may be entertained as to the validity of the sanction given to them; a circumstance which has introduced irregularity and uncertainty into the Legislation of the Province, and is felt by this House as an impediment to the re-introduction of the Bills reserved during the then preceding session.

11thly. The neglect on the part of the Colonial Office to give any answer to certain Addresses transmitted by this House on important subjects; the practice followed by the Administration of communicating in an incomplete manner, and by extracts, and frequently without giving their dates, the despatches received from time to time on subjects which have engaged the attention of this House; and the too frequent references to the opinion of His Majesty's Ministers in England, on the part of the Provincial Administration, upon points which it is in their power and within their province to decide.

12thly. The unjust retention of the College at Quebec, which forms

part of the estates of the late Order of Jesuits, and which from a college has been transformed into a barrack for soldiers; the renewal of the lease of a considerable portion of the same estates, by the Provincial Executive, in favour of a Member of the Legislative Council, since those estates were returned to the Legislature, and in opposition to the prayer of this House, and to the known wishes of a great number of His Majesty's subjects to obtain lands there and to settle on them; and the refusal of the said Executive to communicate the said lease, and other information on the subject, to this House.

13thly. The obstacles unjustly opposed by the executive, friendly to abuses and to ignorance, to the establishment of colleges endowed by virtuous and disinterested men, for the purpose of meeting the growing desire of the people for the careful education of their children.

14thly. The refusal of justice with regard to the accusations brought by this House, in the name of the people, against judges for flagrant acts of malversation, and for ignorance and violation of the law.

15thly. The refusals on the part of the Governors, and more especially of the present Governor-in-Chief, to communicate to this House the information asked for by it from time to time, and which it had a right to obtain, on a great number of subjects connected with the public business of the Province.

16thly. The refusal of His Majesty's Government to reimburse to the Province the amount for which the late Receiver-General was a defaulter, and its neglect to enforce the recourse which the Province was entitled to against the property and person of the late Receiver-General.

85. Resolved, That the facts mentioned in the foregoing resolutions, demonstrate that the laws and constitutions of the Province have not, at any period, been administered in a manner more contrary to the interests of His Majesty's Government, and to the rights of the people of this Province, than under the present administration, and render it necessary that his Excellency Matthew Lord Aylmer, of Balrath, the present Governor-in-Chief of this Province, be formally accused by this House, of having, while acting as Governor, in contradiction to the wishes of the Imperial Parliament, and to the instructions he may have received, and against the honour and dignity of the Crown, and the rights and privileges of this House and the people whom it represents, so recomposed the Legislative Council as to augment the dissensions which rend this colony; of having seriously impeded the labours of this House, acting as the grand inquest of the country; of having disposed of the Public Revenue of the Province, against the consent of the Representatives of the people, and in violation of the law and constitution; of having maintained existing abuses, and created new ones; of having refused to sign a writ for the election of a Representative to fill a vacancy which had happened in this House, and to complete the number of representatives established by law for this Province; and that this House expects from the honour, patriotism and justice of the reformed Parliament of the United Kingdom, that the Commons of the said Parliament will bring impeachments, and will support such impeachments before the House of Lords against the said Matthew Lord Aylmer, for his illegal, unjust and unconstitutional administration of the government of this Province; and against such of the wicked and perverse advisers who have misled him, as this House may hereafter accuse, if there be no means of obtaining justice against them

in the Province, or at the hands His Majesty's Executive Government in England.

86. Resolved, That this House hopes and believes, that the independent members of both Houses of the Parliament of the United Kingdom will be disposed, both from inclination and a sense of duty, to support the accusations brought by this House, to watch over the preservation of its rights and privileges which have been so frequently and violently attacked, more especially by the present administration; and so to act, that the people of this Province may not be forced by oppression to regret their dependence on the British Empire, and to seek elsewhere a remedy for their affliction.

87. Resolved, That this House learned, with gratitude, that Daniel O'Connell, Esq. had given notice in the House of Commons in July last, that during the present Session of the Imperial Parliament, he would call its attention to the necessity of reforming the Legislative and Executive Councils in the two Canadas; and that the interest thus shown for our own fate by him whom the gratitude and blessings of his countrymen have, with the applause of the whole civilized world, proclaimed Great and Liberator, and of whom our fellow-countrymen entertain corresponding sentiments, keeps alive in us the hope that through the goodness of our cause and the services of such a friend, the British Parliament will not permit a minister, deceived by the interested representations of the provincial administration and its creatures and tools, to exert (as there is reason from his despatches to apprehend that he may attempt to do,) the highest degree of oppression, in favour of a system which in better times he characterized as faulty, and against subjects of His Majesty who are apparently only known to him by the great patience with which they have waited in vain for promised reforms.

88. Resolved, That this House has the same confidence in Joseph Hume, Esq., and feels the same gratitude for the anxiety which he has repeatedly shewn for the good government of these colonies, and the amelioration of their laws and constitutions, and calls upon the said Daniel O'Connell and Joseph Hume, Esqrs., whose constant devotedness was, even under a Tory ministry, and before the reform of Parliament, partially successful in the emancipation of Ireland, from the same bondage and the same political inferiority with which the communications received from the Colonial Secretary during the present session menace the people of Lower Canada, to use their efforts that the laws and constitution of this Province may be amended in the manner demanded by the people thereof: that the abuses and grievances of which the latter have to complain may be fully and entirely redressed; and that the laws and constitution may be hereafter administered in a manner consonant with justice, with the honour of the Crown and of the people of England, and with the rights, liberties and privileges of the people of this Province, and of this House by which they are represented.

89. Resolved, That this House invites the members of the minority of the Legislative Council who partake the opinions of the people, the present members of the House of Assembly, until the next general

election, and afterwards all the members then elected, and such other persons as they may associate with them, to form one Committee or two committees of correspondence, to sit at Quebec and Montreal in the first instance, and afterwards at such place as they shall think proper; the said committees to communicate with each other, and with the several local committees which may be formed in different parts of the Province, and to enter into correspondence with the Hon. Denis Benjamin Viger, the agent of this province in England, with the said Daniel O'Connell and Joseph Hume, Esqrs. and with such other members of the House of Lords or of the House of Commons, and such other persons in the United Kingdom of Great Britain and Ireland, as they may deem expedient, for the purpose of supporting the claims of the people of this Province and of this House; of furnishing such information, documents, and opinions as they may think adapted to make known the state, wishes, and wants of the Province: the said committees also to correspond with such persons as they shall think proper in the other British Colonies, which are all interested, that the most populous of their sister colonies do not sink under the violent attempt to perpetuate the abuses and evils which result as well from the vices of its constitution as from the combined malversation of the administrative, legislative, and judicial departments, out of which have sprung insult and oppression for the people, and, by a necessary consequence, hatred and contempt on their part for the Provincial Government.

90. Resolved, That the Honourable Denis Benjamin Viger be requested to remain at the seat of His Majesty's Government, at least during the present session of the Imperial Parliament, to continue to watch over the interests of the Province with the same zeal and the same devotedness as heretofore, without suffering himself to be discouraged by mere formal objections on the part of those who are unwilling to listen to the complaints of the country.

91. Resolved, That the fair and reasonable expenses of the said two Committees of Correspondence, incurred by them in the performance of the duties entrusted to them by this House, are a debt which it contracts towards them; and that the representatives of the people are bound in honour to use all constitutional means to reimburse such expenses to the said Committee, or to such person as may advance money to them for the purposes above-mentioned.

92. Resolved, That the message from his Excellency the Governor-in-Chief, received on the 13th of January last, and relating to the writ of election for the county of Montreal, with the extract from a despatch which accompanied it, the message from the same, received the same day, and relating to the Supply Bill, and the message from the same, received on the 14th January last, with the extract from a despatch which accompanied it, be expunged from the journals of this House.

THE END.